

# DC/20/14

**Application No:** Y19/1152/FH & Y19/1142/FH

**Location of Site:** French House, Aldington Road, Lympe, Hythe Kent CT21 4PA

**Development:** **Y19/1152/FH** - Change of use of the French House from Class C3 residential dwelling to a 10 bed boutique hotel Class C1; partial demolition, reconstruction and conversion of outbuildings; erection of 5 new build bedroom pods; erection of new social canopy; erection of check-in building; extension to existing restaurant; creation of new link pathways and a new access road; new refuse store; and creation of a new car park for 50 car spaces.

**Y19/1142/FH** - Listed Building Consent for restoration and conversion of Grade II\* listed French House. Refurbishment and redevelopment of ancillary buildings. Demolition of outbuildings to north of garage to enable a new single storey enclosure plant room.

**Applicant:** Howletts and Port Lympe Estates Ltd.

**Agent:** Mrs. Pippa Nesbit

**Officer Contact:** Robert Allan

## SUMMARY

This report considers whether planning permission should be granted for the change of use of a grade II\* listed building to a hotel, with the erection of 5 new sleeping pods, social canopy, check-in building, extension to an existing restaurant, creation of a new access road and a car park for 50 spaces, as well as whether listed building consent for the works that affect the listed and curtilage-listed structures, should be granted. The report assesses the impact upon the significance of the heritage assets and finds that although harm is caused, it is less than substantial and considered to be outweighed by the public benefits of the proposal. The impacts upon the designated landscape of the Kent downs AONB are also considered to be acceptable, alongside those upon the ecological constraints at the site, subject to appropriate mitigation being secured via condition. All remaining issues pertaining to residential amenity, drainage and highway safety are considered acceptable also.

## RECOMMENDATION:

**That planning permission and 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 due to the views of Lympne Parish Council and being called to committee by Cllr Wing.

## 2. SITE AND SURROUNDINGS

2.1. The application site includes the 'French House', a Grade II\* listed Wealden Hall House with surrounding gardens and associated outbuildings (referred to as Site A), Livingstone Lodge campsite and restaurant and animal enclosures (referred to as site C) and the large area of land to the south of Aldington Road (referred to as Site B) comprising grazing for animals associated with the Wildlife Park's African Experience Trail. The site layout is shown below, in Figure 1:



Figure 1

2.2. Port Lympne Reserve is part of the Aspinall Foundation which includes Howletts Wild Animal Park and a number of conservation projects aimed at the protection of endangered species and re-introduction of captive animals into the wild. Port Lympne Safari Park, Wild Animal Reserve and Hotel is set in approximately 600 acres and includes the Grade II\* historic mansion and Grade II formal gardens designed by Sir Herbert Baker for Sir Philip Sassoon. Whilst already under the ownership of the Aspinall Foundation, this application would bring the French House into use as part of the wider site, which has a range of short stay accommodation in the form of hotels (Port Lympne, Tree House), lodges (Lion, Tiger, Wolf, Rhino, Giraffe Cottage, Hog Deer Creek), retreats (Forest Hideaway) and glamping sites (Bear Lodge, Giraffe Lodge, Pinewood) which are differentiated by the type of guest experience each offers.

2.3. The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB), the North Downs Special Landscape Area (SLA) and within an Area of Archaeological Potential (AAP). The Lympne Escarpment Site of Special Scientific Interest (SSSI) designation runs around sites A and C and to the southern boundary only of site B.

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The existing vehicular and pedestrian access to the site is from the north east via an existing unmade private access road from Aldington Road. Environment Agency Flood Map data indicates that the site is within Flood Zone 1.

- 2.4. To the north and west of site B there are a range of 1-2 storey residential dwellings. To the east of the site is the public house, The County Members, and further residential dwellings.
- 2.5. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

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- 3.1 Full planning permission is sought for the following works which have been broken down into the three areas as mentioned above (A, B & C);

### Area A

- Change of use of The French House from a residential dwelling (Use Class C3) to a 10-bedroom hotel (Use Class C1);
- Change of use of outbuildings to ancillary storage/support use building and demolition of existing shed and north ancillary building and erection of new ancillary building for use as a plant room;
- Erection of 5 new build accommodation Pods (Use Class C1);
- A new social canopy;
- New pathway linking the French House and accommodation pods to the social canopy and wider area;
- Creation of new pathways suitable for guests and giraffes linking adjacent areas with Port Lympne wildlife park
- Existing access road within grounds of The French House to be widened and a fire engine turning point provided;
- Natural amphitheatre edge reshaped

### Area B

- New access road from existing entrance gate along Aldington Road and associated check-in building/ security kiosk
- Erection of refuse store;
- Erection of secure gates adjacent to check in building and
- Creation of a new car park of 50 car spaces

### Area C

- Removal of one Livingstone Lodge/ tent to enable the extension of existing 'Lapa' restaurant to provide a new decking area and additional bar and restaurant floor space
- Repositioning of fences

3.2 In addition to relevant plans and drawings, the applicant has submitted the following documents in support of the application.

- Design and access statement (and addendum);
- Planning statement and Business Case;
- Transport statement;
- Draft travel plan;
- Arboriculture method statement;
- Arboriculture survey;
- Preliminary ecological appraisal;
- Phase 2 ecological survey report;
- Flood risk assessment;
- Heritage statement (and addendum);
- Archaeological desk based assessment;
- Structural report;
- Landscape strategy plan;
- Noise assessment (and addendum);
- Mechanical, electrical and public health services engineering report (and addendum).

Y19/1142/FH (Listed Building Consent)

3.3 Listed building consent is sought for internal works relating to the restoration and conversion of the Grade II\* listed French House for use as a hotel, together with the refurbishment and redevelopment of ancillary buildings and the demolition of outbuildings to the north of the garage to enable a new single storey plant room enclosure to be constructed. External alterations relate only to the repair and/ or replacement of windows where they are not considered to be repairable.

3.4 The internal works include;

- Repair failing timbers and lath and plaster panels across the entirety of the building's external elevations and replace all cementitious plasterwork with traditional lath and plaster alternatives.
- Repair and strengthen roof structure, including the removal of the roof, repair/replacement of structural timbers and replacement of the roofing materials
- Replacement or repair/ restore windows
- Removal of 20<sup>th</sup> Century fixtures and fittings, skirting and floor coverings.
- Removal of 20<sup>th</sup> Century suspended ceiling and timber wall above the Inglenook fireplace within Main Hall.
- Removal of partition walls in several rooms to allow introduction of en-suite bedrooms at ground floor, as well as a communal disabled toilet.
- Removal of partition walls, floor coverings and doors at first floor to introduce five en-suite bedrooms.
- Construction of new staircase.
- Refurbishment of timber clad garage building.

3.5 In addition to relevant plans and drawings, the applicant has submitted the following documents in support of the application.

- Design and access statement;
- Heritage statement;
- Structural report;
- Mechanical, electrical and public health services engineering report;
- Slope stability report;
- Condition report;

## 4. RELEVANT PLANNING HISTORY

4.1 There is a long and varied planning history for the wider site, covering a range of different structure and uses, but there is no relevant planning history associated with the current application site.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### **Consultees**

*Y19/1152/FH – Planning Application*

**Lympne Parish Council:** Raise objection for the following reasons;

- Check in building will change the character of the public footpath
- Query legality of the proposed access road
- Loss of privacy to residents from access road/ impact on amenity through noise, disturbance and pollution
- Concern regarding highway safety issues
- Impact upon wildlife from proposed car park
- Car park will change to visual amenity adjacent to Saxon Shore Way
- Water runoff concerns from car park

**Kent Downs AONB Unit:** Object.

- Introduction of accommodation and a further track on the sensitive escarpment slope
- Extensive new access road and associated works on Aldington Road;
- Introduction of development into an undeveloped part of the site;
- Car park design;
- Design and colour of the social canopy and check-in building;
- Impacts upon tranquillity

**KCC Highways and Transportation:** No objection.

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- Removal of the events building and reduction in car parking facilities has reduced the scale of the development and lowered the number of associated traffic movements;
- Visibility splays are appropriate for the measured driven speeds – recommend signage to reduce likelihood of harsh braking;
- Access track with passing spaces is appropriate;
- Various conditions suggested.

## **KCC Ecology:** No objection.

- Sufficient information has been provided;
- Mitigation measures for bats, reptiles, dormice and badgers required to be secured via condition;
- Details of biodiversity enhancements to be secured via condition.

## **Natural England:** No objection

- Without appropriate mitigation, the application would damage or destroy the interest features for which Lympe Escarpment SSSI has been notified;
- In order to mitigate the adverse effects and make the development acceptable, the following mitigation measures are required;
  - o The proposed drainage design and SuDS management plan should be implemented as indicated in the Flood Risk Assessment, Surface Water and Drainage strategy and Foul water strategy ensuring all surface water on site is appropriately managed to mitigate potential impacts to the SSSI;
  - o As infiltration rates have been found to be suitable, the drainage strategy should be secured;
  - o Drainage strategy must ensure surface water is subject to an adequate level of treatment to mitigate impacts to the SSSI, and address impacts associated with both the construction and operational phases of the development.

## **KCC Flood and Water Management:** No objection.

- Infiltration testing should be undertaken at the detailed design stage and a pre-commencement condition imposed to secure a suitable strategy and verify installation.

## **Environment Agency:** No objection.

- It remains unclear how the treated sewage effluent will be disposed of. Drainage may be restricted over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. A public foul sewer is close to the development and we would encourage this option and for you to seek consent from the sewerage provider.

**KCC Archaeology:** No objection.

- A condition is recommended for a programme of archaeological work.

**KCC public Rights of Way:** Objection.

- Public Right of Way HE318 is directly affected by the construction of the events building and no provision has been made to safeguard pedestrians crossing the new access road.

**Environmental Health:** No objection

- Accept findings of the amended noise report and require conditions to secure implementation of the mitigation suggested within the report and also relating to contaminated land

**Arboriculture Manager:** No objection

- Recommendations regarding tree removal, retention and protection will need to be conditioned and implemented prior to work commencing.

## **Local Residents Comments**

5.2 Four letters of objection received.

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

### **Objections**

- Negative visual impact upon a protected landscape – AONB;
- Disruption to peace and tranquillity;
- Loss of privacy from access road despite mitigation;
- Access road is not lawful;
- Why can't existing access to site be utilised;
- Increased traffic levels;
- Noise and disturbance will increase – existing noise levels already cause disturbance;
- Noise and disturbance from the coming and going of vehicles;
- Increased light pollution;
- Detrimental impact upon ecology at and around the site;
- Site is in a prominent position in the open countryside;
- Development should be below the escarpment;
- There are enough wedding venues;
- Over development of site.

## Support

- Some development is supported for the restoration and preservation of the French House.

*Y19/1142/FH (Listed Building Consent)*

## Consultees

**Lympne Parish Council:** No objection

**Historic England:** No objection

- French House is a good example of a medieval Wealden hall house, with the medieval core of greatest significance but the early 20<sup>th</sup> century work adding to the aesthetic qualities and significance;
- The position on the escarpment contributes greatly to the setting;
- The reordering of the 20<sup>th</sup> century part of the house would cause some harm to the building's significance but can be mitigated by replicating joinery details and re-using / replicating fixtures via condition;
- Other changes are positive such as the removal of the suspended ceiling and other later finishes in front of the fire place;
- Not concerned with the introduction of ensembles as this would have a minor impact upon significance;
- Introduction of 5 overnight pods to the west of the house, a giraffe viewing platform and a restaurant extension would cause some harm to the building's significance at the lower end of substantial, as the isolated nature of the building would be compromised, although the existing restaurant and pods have compromised this to some degree already;
- Impact of the pods to the west and south west is minimised by siting them away from the main lawns and in more discreet parts of the garden. The giraffe viewing platform would be visible in long views from the south, but could, if designed well, read as a garden pavilion and thus as a more natural addition to the landscape.
- It is more difficult to minimise the impact of the restaurant extension, though the use of a muted roof colours may go some way to reducing the visual impact in long views;
- The road widening has the potential to cause a low level of harm chiefly by eroding the low key entrance to French House which enhances the experience of its rural qualities;
- The NPPF requires that harm is avoided or minimised and that remaining harm is justified (Paras 190 and 194). Some of the harm is capable of being minimised by careful selection of materials and by requiring the submission of design details for the giraffe viewing platform both of which could be handled as a condition. The Council may decide that the harm arising from new development can be minimised with additional landscaping, the detail of which could be handled by condition and that the proposed road widening is necessary to implement this use.



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- The Council must weigh the harm against the public benefits of this proposal in the manner described in paragraph 196 which states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” In this case we think it may be possible to argue that a hotel use is the optimum viable use given that French House was recently marketed and thus available to all interested parties. Bringing the building back in to use and providing a level of public access are heritage benefits which we suggest your Council can take account of in the weighing exercise. Enhancements to the significance of French House, including most importantly the removal of 20th century wall and ceiling finishes in the medieval hall to reveal its historic dimensions, are also heritage benefits.

## **Campaign to protect Rural England: Object**

- Support principle of French House conversion, welcoming conservation and continued use of heritage assets;
- Concern regarding associated development, which will have a major impact upon the setting of the house;
- Concerned about the introduction of the ‘pods’ as their style is at odds with the character of the building;
- The ‘African style’ structures are considered incongruous;
- The social canopy will obscure views of the French House from the south.

## **Local Residents Comments**

5.4 Three letters of objection received.

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

- Listed building consent application contains many other details that are not in the description;
- The application cannot be considered in isolation from the planning application;
- The pods and social canopy are unsightly and not in keeping with the 15<sup>th</sup> Century building;
- Setting would be drastically impacted;
- Property has operated as B&B previously without outbuildings or access road;
- Proposal is unsympathetic to the building and adjacent Saxon Shore Way.

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. RELEVANT PLANNING POLICY**

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- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

## Shepway District Local Plan Review (2013)

SD1 – Sustainable Development  
CO1 - Countryside  
CO4 – Special Landscape Areas  
CO5 – Protection of Local Landscape Areas  
CO11 – Nature Conservation  
BE1 – Layout, design, materials of new development  
BE5 – Listed buildings  
BE8 – Alterations to dwellings  
BE16 – Landscape and amenity  
HO7 – Loss of residential accommodation  
TR6 – Provision for pedestrians in new developments  
TR11 – Access onto highway network  
TR12 – Vehicle parking standards  
U2 - Drainage  
U4 – Protection of ground and surface water resources  
U15 – Light pollution

## Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development  
SS1 – District Spatial Strategy  
SS3 – Place-Shaping and Sustainable Settlements Strategy  
CSD3 – Rural and tourism development  
CSD4 – Green infrastructure  
CSD5 – Water and coastal environmental management  
CSD7 – Hythe strategy

## Places and Policies Local Plan Submission Draft (2019)

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The Inspectors

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report has found the plan 'sound' subject to making a few modifications and as such substantial weight can now be given to the policies. The Plan will now go through the Council's internal processes to be formally adopted. Full weight should be given to the policies in the plan once it is adopted.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight. The following draft policies apply:

- HB1 - Quality Places through Design
- HB2 - Cohesive Design
- T1 – Access to new developments
- T2 - Parking Standards
- E3 – Tourism
- E7 – Reuse of rural buildings
- NE1 – Enhancing and managing access to the natural environment
- NE2 – Biodiversity
- NE3 – Protecting the District's Landscape and Countryside
- NE5 – Light pollution/ external illumination
- NE6 – Land instability
- HE1 – Heritage Assets
- HE2 – Archaeology
- CC3 – Sustainable drainage systems

## Core Strategy Review Submission Draft (2019)

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection. The following draft policies apply:

- SS1 – District Spatial Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- CSD3 – Rural and tourism development
- CSD4 - Green Infrastructure
- CSD5 – Water and coastal environmental management
- CSD7 – Hythe Strategy

## 6.5 Kent Downs AONB Management Plan

SD1 – Conserve and enhance the natural beauty of the Kent Downs AONB

SD2 – Design, scale, setting and materials will preserve local character, qualities and distinctiveness of the Kent Downs AONB

SD3 – New development or changes to land use will be opposed when contrary to need to conserve and enhance the natural beauty of the Kent Downs AONB

SD7 – Retain and improve tranquillity, including dark skies at night.

SD8 – Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

VC6 – The development of sustainable visitor and tourism facilities will be pursued where they enhance people's enjoyment and understanding of the AONB without detracting from the special characteristics and qualities.

VC7 – Tourism and leisure businesses in the AONB will be encouraged to adopt the principles of sustainable tourism and to demonstrate their commitment to sustainability through achieving nationally recognised green accreditation and/or becoming part of the Our Land project.

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

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

6.7 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.

Paragraph 8 – three main strands of sustainable development: economic, social, and environmental

Paragraph 11 – development proposals that accord with an up-to-date development plan should be approved “without delay”

Paragraph 47 – applications for planning permission be determined in accordance with the development plan

Paragraph 48 – giving weight to emerging plans

Paragraphs 83 to 84 – Supporting a prosperous rural economy

Paragraphs 170 to 177 – conserving and enhancing the natural environment and habitats and biodiversity

Paragraphs 178 to 180 – ground conditions and pollution

Paragraphs 189 to 192 – proposals affecting heritage assets

#### National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

## 7. APPRAISAL

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

- a) Principle of development/ business case and benefits of the proposal
- b) Visual amenity
- c) Residential amenity
- d) Ecology and biodiversity
- e) Drainage
- f) Archaeology
- g) Heritage
- h) Highway safety
- i) Public Rights Of Way
- j) Human Rights

a) **Principle of development**

7.2 The application site is outside of the defined settlement boundary of Lympne and is therefore development within the open countryside, in accordance with the definition within Core Strategy Policy SS1. This is an area where development will only be allowed exceptionally, where a rural location is necessary, as set out in Core Strategy policy CSD3.

7.3 The Core Strategy (2013) and Core Strategy Review Submission Draft (2019) Policy CSD3 sets out that proposals for new development associated with tourism enterprises in locations outside of the settlement hierarchy may only be allowed if it is proportionate in scale/impact, accessible by a choice of means of transport and is also consistent with green infrastructure and water environment principles of policy CSD4, the impact upon which are discussed in later sections.

7.4 Within the Places and Policies Local Plan, at the preamble to policy E3, Port Lympne is identified as a key attraction, with tourism an important aspect of the district's economy, having been valued at an estimated £235,213,000 in 2013 and believed to employ over 4,500 people (12 per cent of the workforce). The Business Case at Appendix 1 within the Planning Statement sets out that Port Lympne Hotel & Reserve provides employment for 203 full time and 270 part time staff in the area and had 154,000 day and 47,000 overnight visits in 2018. The Council is keen to promote further investment in new facilities and attractions that broadens the overall offer, ensures visitors stay longer and helps diversify the economy. Proposals for new tourist development should comply with the locational policies in the National Planning Policy Framework and Core Strategy, but where proposals are located outside of settlements, in the open countryside, they should utilise existing buildings, especially if it would bring a heritage asset into viable use.

- 7.5 NPPF Paragraphs 83 and 84 consider rural economies and how policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and provision of well-designed new buildings, through sustainable rural tourism, and through leisure developments which respect the character of the countryside. Decision-makers are urged to recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 7.6 In this respect, the Port Lympne site is an existing rural tourism attraction that relies upon the open countryside for its operation – the activities of a wildlife and safari park could not reasonably be expected to be carried out within the confines of a settlement and consequently it is considered that this location is appropriate. There is likely to be an economic multiplier effect with the provision of additional accommodation allowing more visitors for a greater amount of time, which will use local facilities in the surrounding area. The loss of a residential dwelling is noted, contrary to saved policy HO7, but the existing property is vacant and in need of significant repair, with the high costs associated with such work unlikely to be borne by a residential use alone, with the commercial usage securing the change of use and refurbishment of a Grade II\* listed building, a heritage asset, which will avoid the need for a new, purpose-built hotel facility, although other development is also proposed alongside this aspect of the scheme, the impact of which is discussed in later sections.
- 7.7 The Kent Downs AONB Management Plan is also a material consideration in determining this application, with policies SD1, SD2, SD3, SD7, SD8 and VC6 relevant to this application. They seek to preserve the open rural landscape of the Kent Downs Character Areas specifically and to conserve or enhance the local character and distinctive qualities of the AONB more generally. Policy SD8 does allow for mitigation of harm in some circumstances stating “Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.” In addition policies VC6 & 7 do allow for sustainable tourism in the Kent Downs AONB stating “The development of sustainable visitor and tourism facilities will be pursued where they enhance people’s enjoyment and understanding of the AONB without detracting from the special characteristics and qualities” and “Tourism and leisure businesses in the AONB will be encouraged to adopt the principles of sustainable tourism and to demonstrate their commitment to sustainability through achieving nationally recognised green accreditation and/or becoming part of the Our Land project.”
- 7.8 As such and in accordance with NPPF paragraphs 83 and 84 and Core Strategy Policy CSD3, it is considered that the broad principle of development in the countryside at this established rural business and tourism destination is acceptable, where a countryside location is considered essential in association with this proposal, but subject to all other material planning considerations being considered acceptable also.

## **b) Visual amenity**

### *Major development*

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- 7.9 This site is within the countryside and within the designated Kent Downs Area of Outstanding Natural Beauty (AONB) and North Downs Special Landscape Area (SLA), as protected by emerging policy NE3, which seeks to ensure that the natural beauty and locally distinctive features of the AONB and SLA and its setting are conserved and enhanced. The Council's policies set out that we will not permit development proposals that are inconsistent with this objective unless development is appropriate to the economic, social and environmental well-being of the area.
- 7.10 The NPPF, at paragraph 172, sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues, with planning permission refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 7.11 When considering development within the AONB decision makers must consider whether it amounts to major development in the AONB. Whilst the application proposal is a major planning application, footnote 55 relating to paragraph 172 of the NPPF explains that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. There are no set or rigid criteria for defining major development in the context of the AONB, and the definition should not be restricted as such. The ordinary sense of the word 'major' is important and decision makers should take a common sense view as to whether the proposed development could be considered major development, accounting for local context, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 7.12 The key characteristics of the broader Hythe Escarpment are identified within the Kent Downs Landscape Design Handbook as:
- Botanically rich rough grassland scarp-face.
  - Sparse vegetation.
  - Remnant hedgerows across the slopes.
  - Unimproved agricultural grasslands.
- 7.13 Taking into account that the site itself features the existing development of the French House and outbuildings, the campsite and restaurant, and other buildings, with the development proposed amongst and in close proximity to these structures, within a site already used for tourism, it is considered that the proposal would not amount to major development within the AONB.

## *Assessment*

- 7.14 In landscapes such as the AONB, there is a particular sensitivity around new buildings and structures in the countryside. Existing buildings that contribute to the character and appearance of the local area by virtue of their historic traditional or vernacular form and that are in sound structural condition should be retained and re-used. Re-use/conversion of buildings can also be more resource efficient and sustainable than new build development.
- 7.15 To this end, the proposal to utilise and restore the existing French House building as a hotel will ensure the heritage asset is maintained with a viable use, allowing it to

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continue to contribute to the character and appearance of the area, with no greater built form. The cluster of outbuildings to the north west are much later additions to the setting of the listed building and of limited importance, with the proposal to demolish the shed and outbuilding of this cluster, replacing them with a single storey structure connected to the retained garage, is considered visually acceptable, as it will have a negligible visual impact upon the landscape.

- 7.16 Beginning with Area A, within the garden area of the French House, it is proposed to locate five sleeping pods – three single and two double – as additional sleeping accommodation along the southwestern escarpment. The pods are a low lying single-storey structures with a soft rounded form and would be finished in thatch on the roof, to ensure a muted appearance. Whilst the pods would introduce new development into a part of the site that currently is not developed and would alter the character of this part of the AONB landscape, it is considered that the sensitively designed pods would sit comfortably within the landscape, thus minimising harm to the AONB and SLA.
- 7.17 To the south of the French House, further down the slope on the site of a former tennis court, thus mitigating any need for additional ground works, a social canopy is proposed. This is an open-plan, single-storey timber-frame structure that would provide an external gathering space for guests. Retractable wind screens to the side would allow use in more adverse weather conditions. Figures 2 and 3 below are visualisations of the French House site – site A – as prepared by the applicant and included within the supporting information.



Figure D.1: Visualisation of proposals from Lower Wall Road. Issued by Clare Foster Design.

Figure 2





Figure D.2: Visualisation of proposals looking east towards the French House. Issued by Clare Foster Design.

Figure 3

- 7.18 Immediately adjacent to the French House, it is proposed to enlarge the existing hard standing area to the northern side of the property in order to accommodate emergency vehicles (fire engines). This would also require the retaining wall to be relocated, but reconstructed in a similar style and materials to the existing.
- 7.19 Cumulatively, there would be some visual intrusion into views from the south from additional built form, when looking up toward the French House site, although it is considered that this would not be significantly detrimental given the choice of materials, which can be secured via condition, the low level of the development and its position on the escarpment slope, where it would not intrude into the skyline. A landscape strategy has been proposed for Area A, with a mix of wildflowers and shrubs, with final detail to be secured via condition. It is also noted that this view is not pristine, with the existing development visible. The provision of landscaping and muted materials to tie-in with the existing development, would mitigate the visual impact and the scale of the works, in the context of the wider landscape, as shown in the visualisations, is considered relatively minimal. Overall, whilst there would be some harm to the landscape, it is considered that for Area A, the visual impact would not be significantly detrimental to the visual character of the AONB or SLA, with mitigation capable of being secured via suitably worded condition to minimise the impact of the development.
- 7.20 Turning to Area B, which is to the south of the Aldington Road, a check-in building is proposed, as well as a 50-space car park and a new access road that would run from Aldington Road to the lower end of the existing access track. The check-in building would be finished in timber-cladding with an awning above and would contain a seating area and reception for arriving guests, who would be picked up by buggy to be taken to the hotel area. The access road would utilise an existing access point, with passing places proposed at 80m intervals in order to minimise the width of new road structure required, with planted soil bunds at points along its length. Existing vegetation along

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the escarpment ridge would be maintained, with additional tree planting around the check-in building and creation of wildflower meadows. The carpark would be surfaced with an interlocking permeable cellular paving grid, filled with gravel, to continue to allow rainwater penetration.

- 7.21 The structure of the check-in building would be set back from the escarpment ridge, adjacent to existing vegetation running alongside the current access track and also well away from the Aldington Road to the north, with significant areas of tree-planting and residential properties in-between. It would also benefit from some additional tree planting around it. The car park and connecting roadway are both ground-level features that will have little discernible impact upon views with both, again, set back from the escarpment ridge, and this part of the site largely enclosed by mature vegetation that precludes views from either Aldington Road or from the escarpment side. The access from the Aldington Road does not have final detail surrounding the gates and piers that are proposed, however, the detail of these can be secured via condition should Members resolve to grant planning permission.
- 7.22 Whilst there would be additional built development within the site as described above, it is considered that due to the nature of this development, (which is considered to be low-level in relation to the road and car park, with the check-in building considered a small building) the existing landscaping, the proposed position away from the escarpment ridge and the additional planting, landscaping and entrance design that can be secured via condition, and with appropriate mitigation would not result in harm to the character of the AONB.
- 7.23 Moving to Area C, this currently serves as a camp-site with 10 tent frames located upon timber decked plinths set on the escarpment slope, a timber clad structure to the north of these, a restaurant building further to the west, and further up the slope to the north, a grouping of former farm buildings. It is proposed to extend the restaurant building to the east with a single-storey structure of similar design to the check-in building and social canopy, having a timber clad structure with a flexible membrane above. The balcony would be extended across the front to extend that in front of the existing restaurant area. One of the tent structures and plinths would be required to be removed to accommodate the restaurant extension.
- 7.24 This aspect of the scheme extends the existing built form of the restaurant into an area that is already subject to development associated with the safari park use, but resulting in a larger and more permanent structure than the tent frame and plinth it would replace. It would result in a greater visual impact from built development on the escarpment slope, but in continuing the general form of the restaurant design and utilising the timber and flexible membrane structure proposed for other new structures, the safari aesthetic, accepted across much of the rest of the park, would be continued. In remaining within the confines of the existing developed area, it is considered that the visual impact would be noticeable, but would not spread into previously undeveloped areas, resulting in slight harm to the visual character of this part of the escarpment.
- 7.25 Kent Downs AONB Unit consider that the proposal would fail to retain and improve the tranquillity of the AONB, including the experience of dark skies at night. For all areas, the need to preserve the character of the AONB, an intrinsically dark area, is noted and a comprehensive lighting scheme and strategy would be expected to be secured via condition, in order to control the timings and levels of lighting that would be

associated with the new development, in order to maintain an intrinsically dark status, in accordance with emerging policy NE5 and adopted policy U15.

7.26 The comments of the Kent Downs AONB Unit are noted and have been considered in the assessment above, but overall it is considered that although the proposal would result in some harm to the character of the AONB and SLA through the increased built development, this could be largely mitigated by the extensive existing screening, the proposed materials, location adjacent to existing development within the site and additional sympathetic landscaping to complement the existing screening. As such, the visual impact of the scheme is considered to be acceptable, in accordance with emerging policy NE3, adopted policy CO4 and the National Planning Policy Framework.

### **c) Residential amenity**

7.27 Residential dwellings are primarily located to the north and west of site B, where there are a range of 1-2 storey residential dwellings, whilst to the east of the site is the public house, The County Members, and further residential dwellings. The concerns of local residents have been noted and in relation to noise and disturbance, it is considered that given the removal of the events building from the proposal and the reduction in the size of the car park has largely addressed these concerns. Area B would be used to provide access / egress to the hotel from Aldington Road and most activity within this area would be the use of the access road with guests vacating mid-morning after their stay, or arriving in mid-afternoon, in order to check in or out, so the majority of possible noise would not be at sensitive times. There would also not be high volumes of traffic at a given time, as may be associated with visitors leaving or accessing events. In addition, the access road would be located a significant distance from any neighbouring dwelling, with the nearest dwelling, Little Close, being approximately 65 metres away, extending to approximately 160 metres for Mill House. Planted bunds are proposed to mitigate any potential noise impact and it is considered reasonable to secure these via condition.

7.28 For the hotel use and the additional sleeping pods and restaurant extension, the more intense use relative to the existing situation is noted, but this noise is most likely to be contained within the buildings. For activity within the social canopy area, this is also a significant distance away from the nearest dwelling, some 250 metres, with French House in the way, as well as the topography of the Lympe Escarpment and existing mature vegetation, all of which would restrict noise travel. Overall, it is considered that there would be no significant detrimental impact to residential amenity arising from noise and disturbance.

7.29 Turning to privacy, the sleeping pods, hotel, restaurant extension and social canopy all look out over undeveloped land, so there will be no loss of privacy. In respect of the proposed access road, this would be located away from the dwellings surrounding the site, being approximately 50 metres away at the closest point and it is considered that little significant loss of privacy would likely to occur given the distances involved and the nature of the viewing from moving vehicles.

7.30 As such, the application is not considered to be in conflict with emerging policy HB1 of the PPLP and adopted policies SD1 and BE1 of the Shepway District Local Plan Review, which seek for development to have a high standard of layout and not have an adverse impact on the amenity of neighbours or the surrounding area.

## d) Ecology and biodiversity

- 7.31 The submitted ecological appraisal and phase 2 surveys concluded that the French House supports bat roosts for four bat species, including a minor hibernation roost and satellite roost, with three reptile species recorded within the application site and a number of badger setts, active badger field signs and dormice also recorded throughout. Since the application was submitted, it has been amended, omitting the events building and reducing the car park area in size. Consequently, KCC Ecological Advice Service have amended their comments in relation to badgers and dormice, identifying that these amended plans would likely negate and potential impacts to the badger outlier sett and would no longer impact the suitable dormice habitat on-site.
- 7.32 The Conservation of Habitats and Species Regulations 2017 include prohibitions against the deliberate capturing, killing or disturbance of European Protected Species (EPS) and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive provides for the derogation from these prohibitions for specified reasons and providing certain conditions are met. Those derogations are transposed into the Regulations by way of a licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
- 7.33 A European Protected Species Mitigation licence (EPSM) pertaining to bats will be required for works to proceed, sought once planning permission has been granted and prior to any works commencing on site. This will detail an in-depth methodology of works and any seasonal constraints associated with the proposed development, along with the location and specification of species-specific mitigation, compensation and enhancement measures.
- 7.34 In granting such a licence, three "derogation tests" must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species or its breeding or resting place. For development activities this licence is normally obtained after planning permission has been obtained. The three tests are that:
- i. Regulation 55(2)(e) states: a licence can be granted for the purposes of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*
  - ii. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative"*.
  - iii. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."*

Notwithstanding the licensing regime, recent case law has set out that the Local Planning Authority has a legal duty to address these three tests when deciding whether to grant planning permission for a development which could harm European Protected Species or their habitats and it is for the planning committee to determine the planning application in light of the three tests.

## 7.35 *The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety*

In considering this aspect, Members should take into account whether the development is required to meet or provide a contribution to meeting a specific need, which can cover:

- the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
- complying with planning policies and guidance at a national, regional and local level;
- requirements for economic or social development.

7.36 The proposal has several purposes and economic development is a key driver for the proposal, through allowing the existing business to expand, which would benefit the local economy through bringing additional overnight visitors to the area, with the likely employment of local companies and tradesmen to undertake the construction and renovation works. The applicant has included a business case as part of the proposal, setting out its assessment of the likely economic benefits. Further, the change of use and works to the listed building would bring it back into what may be its optimum viable use, thus securing it for future generations. Finally, the proposed scheme for the conversion incorporates sympathetic measures to retain the bat interest within and around the structure that without repurposing and refurbishment, may have fallen further into disrepair, with potential loss of the bat roost altogether.

## 7.37 *No satisfactory alternative*

It is recognised that there may always be alternatives to any proposal that will cause less harm to the species, including the 'do nothing' approach. For this case, the 'do nothing' approach could result in degradation of the existing bat roost, with the consequent loss of habitat entirely. The building is in a poor state of repair and works are considered to have been likely to be required at some point in order to maintain the heritage asset, irrespective of its current use class. In seeking to utilise an existing structure, as set out previously, there is no need to pursue the construction of a new structure to support the business and the listed building is retained and maintained, with the mitigation and compensation associated with the proposal and as set out in the accompanying information, considered to be likely to protect the European Protected Species and maintain its habitat. Consequently, it is considered that there would be no satisfactory alternative that would cause less harm to the species.

## 7.38 *Favourable conservation status*

KCC Ecological Advice Service have reviewed the submitted information and consider that if the recommended mitigation measures are strictly adhered to, the favourable conservation status of bats can be maintained. Due to the significance of the roost and the complexity of mitigation works associated with the development, the report also recommends post-works monitoring is enacted, which can be enforced under the Natural England licence that would be sought. If planning permission is granted, the mitigation measures, can be secured by condition.

7.39 It is the officer view that the three tests have been passed.

*Badgers*

- 7.40 For badgers, setts have been identified on and around the application site, but in areas where they could be adequately mitigated against from impacts regarding development works. One sett in Area B had the potential to be adversely affected, but it was established that this is a disused outlier sett and, as such, direct mitigation measures/the associated EPSM licence would not have been required to undertake the proposed development.
- 7.41 Following the amendment to the proposed development, reducing the size of the car park and removing the events building, potential impacts to the outlier sett have been negated, with only a precautionary pre-works survey required prior to works commencing to ensure that no new setts have established and to ensure that an abandoned sett has not become re-occupied, which can reasonably be secured via condition.

## *Reptiles*

- 7.42 The reptile survey concluded that slow worms, grass snakes and common lizard were present on-site. As most habitats will be retained as part of the proposed development, translocation is considered a disproportionate response. However, as all species of reptile are protected, there will be a need to implement precautionary mitigation measures during construction. Further, a wildflower meadow will be created and managed along the north-western and southern site boundaries and proposed shrub beds planted throughout the southern aspect of Area A, for the benefit of reptiles. At least five log piles will also be created for reptiles within the wildflower area and an additional three log piles created on the northern bank of Area A, increasing the on-site hibernation opportunities for reptiles. Annual monitoring for a period of two years post development will be required. All of the mitigation can reasonably be secured via condition.

## *Dormice*

- 7.43 In relation to dormice, following the reduction in the size of the car park and omission of the events building, there would be no impact upon the dormice habitat on-site and no mitigation measures are required to be secured via condition.

## *Lympne Escarpment SSSI*

- 7.44 The Lympne Escarpment SSSI that borders much of the application site is hydrologically sensitive, with the plants and animals that occur in and around this Flush and Spring Fen feature dependent upon the water chemistry and flow rate. A mitigation strategy must ensure that the quantity and quality of groundwater must be maintained, though the quantity is not likely to be naturally constant throughout the seasons or between wet and dry years. Any drainage scheme should protect ground and surface water resources and not intercept the source of groundwater to springs or flushes, or reduce the area of surface they irrigate.
- 7.45 The proposed strategy indicates permeable paving for all footpaths, parking areas, access roads and other paths. The pods, social canopy and restaurant extension would drain to a filter drain and/or soakaway, and existing (modified) buildings would drain to the existing surface water drainage network. Now that suitable infiltration rates have been demonstrated for the site, the proposed drainage strategy does appear to provide an adequate level of protection to mitigate impacts to the adjacent SSSI. Any

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drainage strategy must ensure surface water is subject to an adequate level of treatment to mitigate impacts associated with both the construction and operational phases of the development, which can be secured by condition.

## *Breeding birds*

- 7.46 For breeding birds, an informative reminding the applicant of the Wildlife and Countryside Act 1981 with ecological enhancements, as required by paragraph 175 of the NPPF, secured via condition.

## *Environmental enhancement*

- 7.47 In accordance with the NPPF at paragraphs 170 d) and 175 d), a net gain in biodiversity is sought and the Ecological Enhancement Plan as stated within the Phase 2 Ecological Report (PJC Consultancy 6th Feb 2020) has recommended appropriate enhancements, with a final plan capable of being secured via condition that accounts for potential impacts upon the SSSI and protected species and that is developed in conjunction with any subsequent mitigation proposals.
- 7.48 Overall, it is considered that the proposal would not result in significant harm to the ecological and biodiversity interests on the site with appropriate mitigation. As such, this aspect is considered to be in accordance with emerging policies NE2, RM14 or HB14.

## **e) Drainage**

- 7.49 As described previously, the Lympne Escarpment SSSI that borders much of the application site is hydrologically sensitive, requiring a mitigation strategy to ensure that the quantity and quality of groundwater is maintained. KCC as Lead Local Flood Authority have reviewed the submitted Flood risk Assessment and drainage strategy and agree with the findings of this and the approach suggested for the proposed development, following additional work on infiltration rates. It is considered that the details required could be sought, via conditions, should planning permission be granted, for both surface water and foul drainage, which would be tied in with the detail required to mitigate the potential impact upon the adjacent SSSI.
- 7.50 The Environment Agency have identified that it has not been finalised how sewage effluent will be handled at the site, however do not object, identifying that a discharge of treated water to ground may require an Environmental Permit, or that if discharge to sewer is preferred, there is one 250 meters to the north of the site. The applicant has identified that the distance may make this option unviable and the utilisation of a treatment plant is most likely, with this being the preferred option at locations across the park already. Effluent is treated before discharge and thus would be safe upon discharge. As stated above, it is considered that the final detail of the foul and surface water system could reasonably be required via condition, with details submitted to the relevant consultees prior to acceptance, in order to ensure compatibility with the constraints at the site. It is therefore considered that there are no detrimental impacts in respect of drainage in accordance with emerging policy CC3 of the Places and Policies Local Plan.

## **f) Archaeology**

- 7.51 The application site lies in an area of archaeological potential associated with the position south of the ancient route-way that runs along the Lympne escarpment, forming part of the Roman road network from Maidstone to Dover and west of the route way from Lympne to Canterbury. The Archaeological Desk Based Assessment (DBA) concludes that there is generally low to medium potential for the presence of archaeological remains, although KCC Archaeology suggest there may be some potential in Area B, to the south of Aldington Road.
- 7.52 Consequently, given KCC's view of the limited nature of the impacts but accounting for the potential uncertainty, it is suggested that a programme of archaeological work is followed, that would be secured via condition. With this in place, it is considered that there would be no detrimental impact upon possible archaeological remains in accordance with emerging policy HE2 of the Places and Policies Local Plan.

## **g) Heritage**

- 7.53 The listed building application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the Act requires special regard to be had to the desirability of preserving the Listed Building or its setting or any special architectural or historic features it possesses. These duties are reflected in saved local plan policy BE5 of the SDLPR which states that Listed Building Consent will be refused if the proposals are considered to be detrimental to the character of the building. Therefore the main issue in the consideration of this Listed Building Consent is the effect of the works on the architectural or historic interest of the Listed Building. It should be noted that both the Council's Conservation Consultant and Historic England have offered comments and these have been considered in the assessment of the application.
- 7.54 French House is a 15<sup>th</sup> Century Grade II\* listed Wealden Hall House with surrounding gardens and associated outbuildings. The original structure is set end-on to the entrance courtyard. It was restored in the late 1920's by Charlton Bradshaw for Sir Philip Sassoon with a large L-shaped extension added out to the north and the west, tripling the size of the building, and a carriage entrance providing vehicle access to the service courtyard on the west side. The landscaped gardens appear to have been laid out as part of the 1920's restoration and extension scheme.
- 7.55 As part of this restoration, non-original brickwork was removed and replaced with timber framing, windows 'restored' and replaced with crittall windows, historic framing repaired and infill panels replaced in cement render. Consequently, the building is a combination of 15<sup>th</sup> Century Wealden Hall and additions, repairs and restored features from the 1920's.
- 7.56 The NPPF sets out that planning should be achieving sustainable development, defined as having economic, social and environmental dimensions (para 8), with the role of planning to include protecting and enhancing the historic environment. Paragraph 8 identifies that economic, social and environmental gains should be sought jointly and simultaneously, with heritage assets conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 7.57 The LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including its setting, and where a proposal cannot be designed to avoid all harm, then the harm should be minimised as part of the design



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process. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification.

7.58 Paragraph 196 sets out that where a development proposal will lead to less than substantial harm to the significance, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF defines 'significance' in the context of heritage assets as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

7.59 As such, the NPPF acknowledges that harm to the listed building designated heritage assets may be acceptable if outweighed by public benefits. It is important to clarify that preservation in this context means not harming the interest, as opposed to keeping it utterly unchanged, so some change may be accommodated.

## *Alterations to the fabric of the building*

7.60 Beginning with the works that directly affect the fabric of the building, the house will be converted to hotel guest accommodation, with the 15<sup>th</sup> Century Hall used for common areas, a two-bedroom suite inserted at the south west end of the building and a single guest bedroom inserted at the north east end. There are few changes to this part of the structure other than the insertion of an ensuite bathroom in the north east room. The 1920s addition is shown to be extensively remodelled to provide sets of guest bedrooms at ground first floor, with a new staircase serving rooms at the north end of the house, beyond the garage entrance way.

7.61 For the 15<sup>th</sup> Century portion of the building, the removal of the suspended ceiling and timber wall above the inglenook fireplace in the main hall would restore this element to its original character and is to be welcomed. The insertion of an ensuite bathroom in the north eastern bedroom at first floor is considered to be acceptable, subject to securing detail of design via condition, so that the panelling matches the Tudor framework. In order to comply with building regulations, some thermal and fire protection will be required and it is considered that submission of details for such interventions via condition should be required.

7.62 For the 1920's extension, there will be significant remodelling and removal of partitioning, but this portion of the building is modern fabric, less than 90 years old and of lesser significance than the fabric of the original house. Conditions are proposed to require submission in connection with re-use of historic doors in non-fire door locations and design of replacement fire doors, frames, architraves and skirtings, including all joinery details.

7.63 For windows, a range of options are proposed, with repair for some and replacement for others, with secondary glazing options also likely to be pursued. Again, joinery details and re-use of original ironmongery should be sought via condition, if planning permission and listed building consent are to be granted.

7.64 The reordering of the 20<sup>th</sup> century extension internal layout would cause some harm to the building's significance but it is considered that this can be mitigated by replicating joinery details and re-using / replicating fixtures, which can be secured via condition. Other changes are considered positive, such as the removal of the suspended ceiling

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and other later finishes in front of the fire place in the hall to improve legibility and restore the significance of this space. The introduction of ensembles is considered to have a minor impact upon significance.

## *Alterations to setting*

- 7.65 The setting of the French House will be altered through the proposed sleeping pods, social canopy, outbuilding reconstruction and paths. It is considered that similar to the considerations relating to landscape and visual amenity, the low-level nature of some of these structures (sleeping pods and pathway) combined with the materials proposed and the landscaping, would result in some mitigation of the impact upon the views of the building and its setting when looking up the escarpment. However, this would not mitigate the impact upon the setting entirely and the additional development would result in some harm to the setting of the listed building. However, this harm is considered to be less than substantial.
- 7.66 The widening of the access running down to the existing hard standing to the north of the property would be by approximately 1 metre, together with the enlargement of the forecourt, which together are required for emergency vehicle access and turning. There is concern about the potential erosion of the rural and domestic character that these alterations could cause when considered together. It is proposed to mitigate some of the impact of the new retaining wall through the use of detailing and materials to make it appear as per the original, but the widening of the road cannot be mitigated in a similar fashion. It is suggested that further details of the nature of the widening can be sought in order to explore whether less visually obtrusive surface treatments could be used, such as a grass reinforcing system that would allow occasional overrun of larger vehicles, without requiring a more obvious hard surface to be created.
- 7.67 The presence of an existing metalled road surface to the house is noted and does, to some small extent, offset the potential additional impact, but there will inevitably be some additional harm to the setting of the listed building through the widened access road, although this is considered to be less than substantial.
- 7.68 For the proposed replacement outbuildings, these would occupy a similar footprint and position to those that will be lost and have been designed to tie in with the existing appearance, which is sympathetic to the listed building. Materials to be utilised in the external surfaces can reasonably be secured via condition.
- 7.69 It is considered that there will be some degree of harm to the significance of the building through the internal reordering and works, as well as to the setting of the listed building primarily as a consequence of the additional built form and visual intrusion from the sleeping pods and social canopy, as well as from the widened access road but that even when considered cumulatively, this would be less than substantial harm.
- 7.70 Paragraph 196 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use” and it is considered that the proposals would result in less than substantial harm to the listed building itself and to its setting. The public benefits are considered to be:

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- Economic development through increasing the tourism offer of the existing rural business and charity and use of funds created to enable the refurbishment of the listed building;
- Supporting local business and services who may be involved in the construction process;
- Refurbishment of the listed building to bring it into a viable use as well as facilitating increased public access;
- Enhancements to the significance of the French House through the removal of 20<sup>th</sup> Century wall and ceiling finishes to reveal the historic dimensions of the medieval hall.

7.71 It is considered for this case that the less than substantial harm to the setting of the listed building and its fabric, would not significantly affect its significance and would be outweighed by the public benefits of the proposal, in accordance with paragraph 196 of the National Planning Policy Framework and emerging policy HE1 of the Places and Policies Local Plan.

## **h) Highway Safety**

7.72 The proposed development includes the creation of a new access road from Aldington Road and the creation of a 50 space car park for the use of guests. This is proposed due to the constrained nature of the existing access route including its egress into Aldington Road and limited lane width. Additionally, this will ensure residents neighbouring the existing access lane will be protected from noise and disturbance associated with comings and goings at the site, as well as allowing for two directional travel and facilitating access for emergency vehicles which currently could not be accommodated.

7.73 The road would utilise an existing access point, the date of its insertion has been questioned by the Parish Council and a neighbouring resident. However, irrespective of however new or not this access point is, the visibility splays shown are considered to be acceptable and can be secured via condition. Passing places are also proposed at 80m intervals along the access way in order to minimise the impact of new road structure and the access would be set five car-lengths into the site to allow for the possibility of queueing vehicles. As such, the access is considered to be acceptable in highway safety and convenience terms and neighbouring amenity issues in this regard have been considered earlier in this report.

7.74 The proposed car park would provide an adequate level of parking for the proposed additional uses and level of activity, as well as a turning point for service access in close proximity to the proposed refuse store which is to be located to the south east of the car park. The car park would contain five spaces with Electric Vehicle (EV) charging points and a further five spaces with passive provision should they be required at a later date. Overall, the parking provision and provision for electric vehicle charging points is considered acceptable and in accordance with emerging policy T2 of the PPLP.

## **i) Public Rights Of Way**

7.75 Public Right Of Way HE318 crosses the site in a south east to north west alignment, running along the bottom of Area B. KCC Public Rights Of Way and Access Service objected to the proposal on the basis that it would be affected by the construction of the events building and that no provision had been made to safeguard pedestrians

crossing the new access road. As mentioned previously, the events building has been removed from the proposal

- 7.76 It has been established subsequently that the PROW would be maintained during the construction period and with specific reference to the construction of the access road. If the path needs to be temporarily altered during construction, this would be addressed through application for a temporary traffic regulation order, which would cover the closure of the path at the affected point with an alternative route safely provided. KCC PROW have suggested several informatives, should consent be granted and removed their objection.

## **Environmental Impact Assessment**

- 7.77 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is considered to fall within Schedule 2, Part 10b, being an urban development project. The site is within the Kent Downs Area of Outstanding Natural Beauty and adjacent to the Lympe Escarpment Site of Special Scientific Interest, so the threshold is not relevant as the application site is within a sensitive area. Consequently, a screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required. Please see formal screening opinion on the planning file for further detail).

## **Local Finance Considerations**

- 7.78 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.79 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. This application is not liable for the CIL charge

## **Human Rights**

- 7.80 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**

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7.81 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.

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

## **Working with the applicant**

7.82 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. PLANNING APPLICATION CONCLUSION (Y19/1152/FH)**

8.1 The proposal would result in the restoration and refurbishment of a grade II\* listed building and enable its restoration through bringing it into a viable use, whilst allowing an existing rural enterprise and charity to expand. Whilst this would result in some level of harm to the significance of the heritage asset and the visual character of the designated AONB through the introduction of structures in the immediate setting, this is considered to be less than substantial and the impacts are considered to be acceptable when mitigation measures are implemented. The resulting harm is considered to be outweighed by the public benefits of the proposal from increased economic activity, supporting the appropriate expansion of rural enterprises and bringing a heritage asset into a viable use. All other material considerations at the site are considered to be acceptable in terms of impacts upon neighbouring amenity, drainage, highway safety, ecology and archaeology.

## **LISTED BUILDING CONSENT CONCLUSION (Y19/1142/FH)**

8.1 The proposed works, as a consequence of the proposed change of use, would result in the restoration and refurbishment of a grade II\* listed building. Whilst this would result in some level of harm to the significance of the heritage asset through the reordering of the 20<sup>th</sup> Century extension, this is considered to be less than substantial and the impacts are considered to be acceptable given the enhancements associated with the removal of 20<sup>th</sup> Century ceiling and wall finishes to better reveal the dimensions and significance of the medieval hall, alongside the public benefits of the proposal from increased public access to the heritage asset.

## **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).

## 1. RECOMMENDATIONS

**That planning permission and 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:

Y19/1152/FH (Planning Permission)

1. The development must be begun 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 details shown on the submitted plans and reports:

Plans:

Site layout plan – proposed 010 P17; block plan – proposed 011 P17; Site layout A – proposed 012 P11; Site layout B – proposed 013 P9; Site layout C – proposed 014 P10; Ground floor – demolition French House 115 P6; First floor – demolition French House 116 P6; Ground floor – demolition – ancillary buildings 117 P1; First Floor-Demolition- Ancillary Buildings 118 P1; Proposed Ground Floor- French House 9790 P (0) 001; Proposed First Floor- French House 9790 P (0) 002; Proposed Ground Floor- Ancillary Buildings 127 P2; Proposed Roof Plan- Ancillary Buildings 128 P2; Restaurant Extension Plan Proposed 130 P12; Social Canopy Plan Proposed 135 P6; Check in Building 150 P2; Pod Type 1 and 2 Plans Proposed 160 P2; Existing sections 200 P1; Social Canopy Section AA Proposed 210 P4; Elevations 1 and 2 French House- Proposed 310 P1; Elevations 3 and 4 French House- Proposed 311 P1; Elevations 5 and 6 French House- Proposed 312 P1; Elevations 7 and 8 French House- Proposed 313 P1; Elevations 9 French House- Proposed 314 P1; Social Canopy Elevations Proposed 315 P3; Ancillary Buildings Elevations Proposed 330 P5; Restaurant Extension Elevations Proposed 335 P6; Check-in Building Elevations Proposed 350 P2; Pod Type 1 Elevations Proposed 360 P2; Pod Type 2 Elevations Proposed 361 P2.

Reports:

Design and Access Statement February 2020; Planning Statement and Statement of Community Involvement dated March 2020; Preliminary Ecology report (19 August 2019) / Phase 2 Ecological Surveys (6 February 2020)/ Addendum (27 February 2020); Arboricultural Impact Assessment dated 11th March 2020; Arboricultural Method Statement dated 11th March 2020; Heritage Statement (September 2019) /

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Addendum (28 February 2020); Landscape and Visual Impact Assessment Within original Heritage Statement (September 2019); Transport Statement July 2019 Revision 2- February 2020; Travel Plan July 2019 Revision 1- February 2020; Archaeological Desk Top Survey JAC 25609/SB dated March 2020; Noise Assessment (19/0268/R1) dated 29 July 2019 / Addendum (19/0268/M2) dated 5 March 2020; Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Strategy dated 28 February 2020; Landscape Strategy Plan Area A (PJC-0845.001 Rev H; Landscape Strategy Plan Area B (PJC-0845.002 Rev E; Landscape Strategy Plan Area B Access Road (PJC-0845.003 Rev E); MEP report Planning Submission Report Rev 4 (18 September 2019) / Addendum Rev 2 (9 March 2020); Slope Stability Letter dated 19 July 2019; Structural Condition and Timber Report dated June 2019; Report on Structural Condition 3119/RTP1 REV A dated June 2019.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3. No work shall take place until details and/or samples of the materials to be used in the construction of the development hereby permitted, inclusive of finishes and colours, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and colours not changed without prior written approval of the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

4. Within three months of the date of this permission, a landscaping scheme for the site, including an implementation programme and maintenance schedule, shall be submitted to the Local Planning Authority for approval in writing. The landscaping scheme shall be carried out in accordance with the approved details and implementation programme unless an alternative timescale has first been agreed in writing with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason:

In order to protect and enhance the appearance of the area.

5. Prior to commencement of development, full details of the means of foul water disposal from the development shall be submitted to the Local Planning Authority for approval in writing, together with a timetable for their implementation, with such details as approved, implemented and/or maintained in a functional condition thereafter in accordance with the approved timetable.

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Reason:

To ensure proper drainage and avoid pollution and flooding of the area given the hydrological sensitivity of the Lypne Escarpment SSSI.

6. No development shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
  - i. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
  - ii. appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding and to safeguard adjacent ecological constraints, given the hydrological sensitivity of the Lypne Escarpment SSSI. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

7. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.



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8. Prior to commencement of development, details of how the development will enhance biodiversity shall be submitted to the Local Planning Authority for approval in writing, together with a timetable for their implementation. This shall include recommendations as set out in the Phase 2 Ecological Report (PJC Consultancy 6th Feb 2020). The approved details shall be implemented in full in accordance with the approved timetable.

Reason:

In the interests of securing enhancements for biodiversity.

9. From the commencement of works (including site clearance), all precautionary mitigation measures for badgers will be carried out in accordance with the details within the Phase 2 Ecological Survey Report (PJC February 2020).

Reason:

In the interests of protection of biodiversity.

10. From commencement of works on site (including site clearance), all mitigation measures and / or works for bats will be carried out in accordance with the recommendations made in sections 4.1.29 to 4.1.37 of the Phase 2 Ecological Survey Report (PJC February 2020), unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason:

In the interests of protection of biodiversity.

11. From commencement of works on site (including site clearance), all mitigation works will be carried out in accordance with the recommendations made in sections 4.2.8 to 4.2.15 of the Phase 2 Ecological Survey Report (PJC February 2020). Post development monitoring of reptiles will be carried out, for a minimum of two years, in accordance with section 4.2.17 of the Phase 2 Ecological Survey Report (PJC February 2020).

Reason:

In the interests of protection of biodiversity.

12. Prior to commencement of development, a detailed lighting scheme for the whole development, inclusive of internal and external lighting, shall be submitted to the local planning authority for approval, with such details as approved, implemented in full at the time of development and thereafter retained and maintained to the approved specification. The details submitted shall demonstrate that the area will maintain an Intrinsic Rural Darkness and Buffer Environmental Zone E1a as described by the Institute of Lighting Professionals (ILP). No additional lighting shall be installed on the land, the subject of this application, without the prior submission to and approval in writing of details by the Local Planning Authority.

Reason:

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In order to reduce light pollution and maintain the undeveloped character of the countryside.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work 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 features of archaeological interest are properly examined and recorded.

14. Prior to commencement of development, details of:

- i. construction vehicle loading / unloading and turning facilities;
- ii. parking facilities for site personnel and visitors;
- iii. wheel washing facilities.

Shall be submitted to the Local Planning Authority for approval, in writing, with such details as approved, implemented in full and retained for the duration of the construction phase of the development.

Reason:

In the interests of highway safety and public amenity.

15. The visibility splays shown on the approved plans shall be provided either side of the access before the first use of the site for the approved use and maintained so there is no obstruction in excess of 1.05 metres in height above the carriageway level within the splay area.

Reason:

To secure adequate visibility for vehicles entering or leaving the site in the interests of highway.

16. The first 5 metres of the access from the back edge of the highway shall be surfaced with a bound material.

Reason:

In the interests of highway safety.

17. The parking shown on the approved plans shall be provided, in full and inclusive of the electric vehicle charging points, before the first use of The French House as a hotel and shall thereafter be kept available for parking purposes in connection with the development at all times.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the highway and to safeguard the amenities of adjoining areas.

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18. Prior to the first use of the site for the development hereby approved, details of the gates, piers and other associated development to be erected at the entrance from Aldington Road shall be submitted to the Local Planning Authority for approval, with such details as approved, implemented in full and thereafter retained.

Reason:

In the interest of visual amenity and highway safety.

19. Details of the bunds to be provided along the access road, inclusive of levels and planting, as well as incorporating recommendations made within the Cole Jarman Noise Assessment report reference 19/0268/R1, shall be submitted to the Local Planning Authority for approval in writing, with such details as approved implemented in full prior to the first use of the proposed access road in association with the development hereby permitted, and retained and maintained thereafter.

Reason:

In the interests of amenity and in order to protect and enhance the appearance of the area.

20. Prior to undertaking any landscaping works, an analysis of the immediate surrounding landscape and garden areas of the property shall be submitted to, and approved in writing by the Local Planning Authority.

Reason:

To record the setting of the heritage assets.

21. In relation to the sleeping pods and social canopy hereby approved as part of this development, prior to commencement of development, details of the levels, earthworks required and any hardstanding/bases required, with sections through the site as appropriate, shall be submitted to the Local Planning Authority for approval in writing, with such details as approved implemented in accordance with the approved plans.

Reason:

In the interests of visual amenity in order to protect the appearance of the Kent Downs AONB, North Downs SLA and also the setting and significance of the Grade II\* listed building.

22. Details of the proposed landscaping of the garden areas around the house including alterations and new fencing, paving and other surfacing including any alterations to the stretch of the narrow access road that leads South from Aldington Road where it is linked to the proposed new access road from Aldington Road to serve the car park shall be submitted to and approved in writing by the Local Authority.

Reason:

To preserve the setting of the heritage asset.

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23. Details of the proposed refuse store shall be submitted to and approved in writing by the Local Authority, prior to commencement of development of its construction, with such details as approved, implemented in accordance with the approved plans.

Reason:

In the interests of visual amenity.

24. Details of the fencing to be installed around the car parking area hereby permitted shall be submitted to the local planning authority for approval in writing, prior to the first use of the facility. The details submitted shall incorporate the recommendations made within the Cole Jarman Noise Assessment report reference 19/0268/R1. Such details as are approved shall be retained and maintained in accordance with the approved details at all times.

Reason:

In the interests of visual and residential amenity.

25. Prior to the commencement of the development hereby permitted, including any site clearance works, tree protection measures in accordance with BS5837:2012 Trees in Relation to Construction - Recommendations, shall be erected for each tree or group of trees to be retained on this site, or other such measures as may be agreed with the Local Planning Authority in writing shall be provided. The protection measures shall be retained in position at all times until the completion of the development, and the land so enclosed shall be kept clear of all contractors' materials and machinery. The existing soil levels around the base of the trees shall not be altered.

Reason:

To ensure that the trees are not damaged during the period of construction.

## Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 3000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where

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required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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

### 3. In relation to Public Right Of Way HE318:

- i. No furniture may be erected on or across Public Rights Of Way without the express consent of the Highway Authority.
- ii. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- iii. No hedging or shrubs should be planted within 1.5 metres of the edge of the public footpath.

### Conditions:

#### Y19/1142/FH (Listed Building Consent)

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 works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

#### Plans:

Site layout plan – proposed 010 P17; block plan – proposed 011 P17; Site layout A – proposed 012 P11; Ground floor – demolition French House 115 P6; First floor – demolition French House 116 P6; Ground floor – demolition – ancillary buildings 117 P1; First Floor- Demolition- Ancillary Buildings 118 P1; Proposed Ground Floor- French House 9790 P (0) 001; Proposed First Floor- French House 9790 P (0) 002; Proposed Ground Floor- Ancillary Buildings 127 P2; Proposed Roof Plan- Ancillary Buildings 128 P2; Elevations 1 and 2 French House- Proposed 310 P1; Elevations 3 and 4 French House- Proposed 311 P1; Elevations 5 and 6 French House-

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Proposed 312 P1; Elevations 7 and 8 French House- Proposed 313 P1; Elevations 9 French House- Proposed 314 P1; Social Canopy Elevations Proposed 315 P3; Ancillary Buildings Elevations Proposed 330 P5.

Reports:

Design and Access Statement February 2020; Planning Statement and Statement of Community Involvement dated March 2020; Heritage Statement (September 2019) / Addendum (28 February 2020); Report on Structural Condition 3119/RTP1 REV A dated June 2019.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the works.

3. Prior to the commencement of works to repair the roof a detailed schedule of repairs, including details of any new clay tiles to make up a shortfall, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason:

To preserve and enhance the heritage asset.

4. Prior to undertaking any works to the building, a full 'photographic' survey of the buildings is requested for deposit at the National Monuments Record.

Reason:

To record the heritage assets in its current state.

5. Prior to commencement of works, detailed drawings showing typical internal joinery features, the proposed staircase, internal fire doors, other doors, frames and architraves at scale 1:20 and at 1:1 shall be submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out in accordance with the approved plans.

Reason:

To preserve the special architectural or historic interest of the heritage asset.

6. Prior to commencement of works, detailed drawings of the design and construction of the proposed ensuite cubicle to be formed within the first-floor bedroom 2 at a scale 1:20 shall be submitted to, and approved in writing by the Local Authority. Works shall thereafter be carried out in accordance with the approved plans.

Reason:

To preserve and enhance the heritage asset.