

DCL/22/11

Application No: 20/0747/FH & 20/0752FH

Location of Site: Kings Arms, The Square, Elham, Canterbury CT4 6TJ

Development: **20/0747/FH** - Erection of single storey rear extensions, refurbishment of existing outbuilding to provide dining area and all associated landscaping works

20/0752/FH - Listed building consent for the erection of single storey rear extensions, refurbishment of existing outbuilding to provide dining area and associated internal and external works

Applicant: Mr. Darrell Healey

Agent: John Rogers Designs

Officer Contact: Robert Allan

SUMMARY

This report considers whether planning permission and listed building consent should be granted for the erection of single storey rear extensions and the refurbishment of the existing outbuilding to provide a dining area, together with the associated landscaping and internal and external works. 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 negligible, as well as the visual impact upon the conservation area. All remaining issues pertaining to residential amenity 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 applications are reported back to Planning & Licencing Committee after having been presented to the 25 January 2022 meeting where Members resolved *“to defer both applications to allow officers to go back and speak with the applicant with regards to the scale and mass of the development and to seek the views of KCC Highways and Transportation. (Voting: For 10; Against 1 Abstentions 1)”*.
- 1.2. The application was originally reported to Planning & Licensing Committee due to the views of Elham Parish Council.

2. BACKGROUND

2.1. The applications seek full planning permission for the erection of single storey rear extensions, refurbishment and alteration of the existing outbuilding to provide a dining area and associated landscaping works as well as listed building consent for the erection of the single storey rear extensions, refurbishment of an existing outbuilding to provide an additional dining area and associated internal and external works for the refurbishment of the public house. A detailed description of the proposed development (including drawing extracts) and the site and its surroundings (including photographs), the relevant planning history for the site, a list of consultation responses, and a list of the relevant planning policies was set out in full within the original report to committee, attached here as **Appendix 1**.

3. PROPOSAL

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3.1 Following the discussion of the proposals by Members at Planning & Licensing Committee on 25 January 2022 the applicant has revised the submissions to reduce the overall length of the proposed rear extension from 23 metres from the rear of the existing property, to 15 metres, whilst the overall width of the extension would increase from 10.2 metres to 13.9. As before, the single storey extension is proposed to run from the rear of the existing rear range and would provide toilet facilities and a new kitchen area, with storage areas, staff changing and ancillary offices. The amended plans can be seen alongside those they replace, below, in figures 1 - 4.

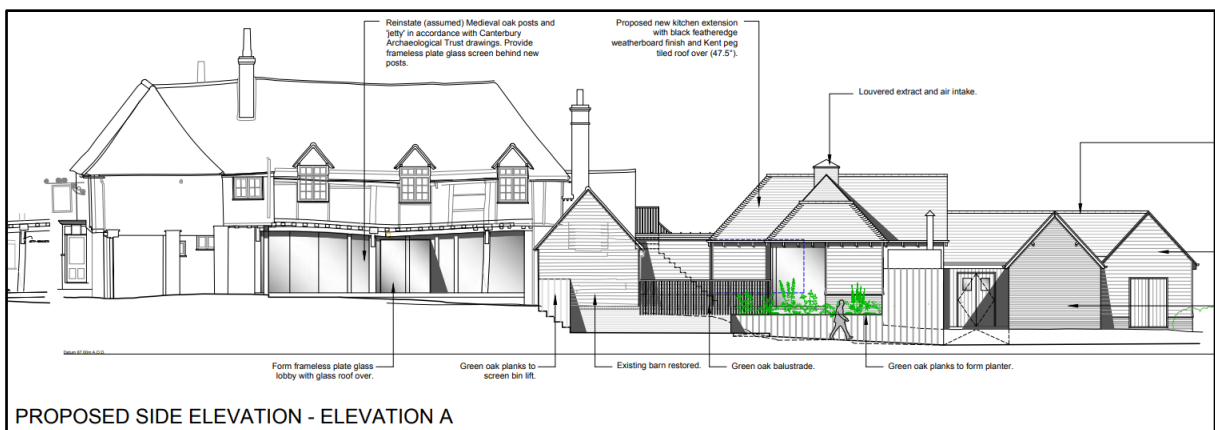


Figure 1: side elevation as originally submitted

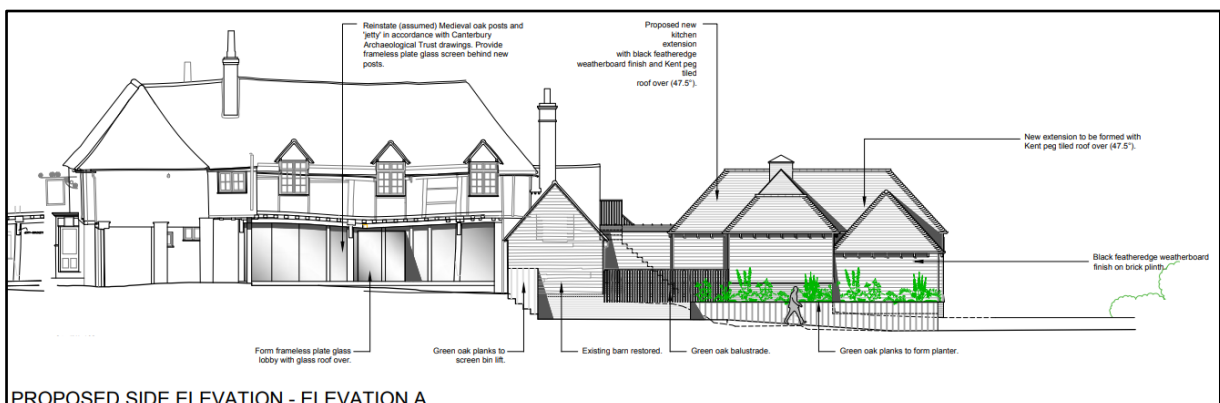


Figure 2: side elevation as amended

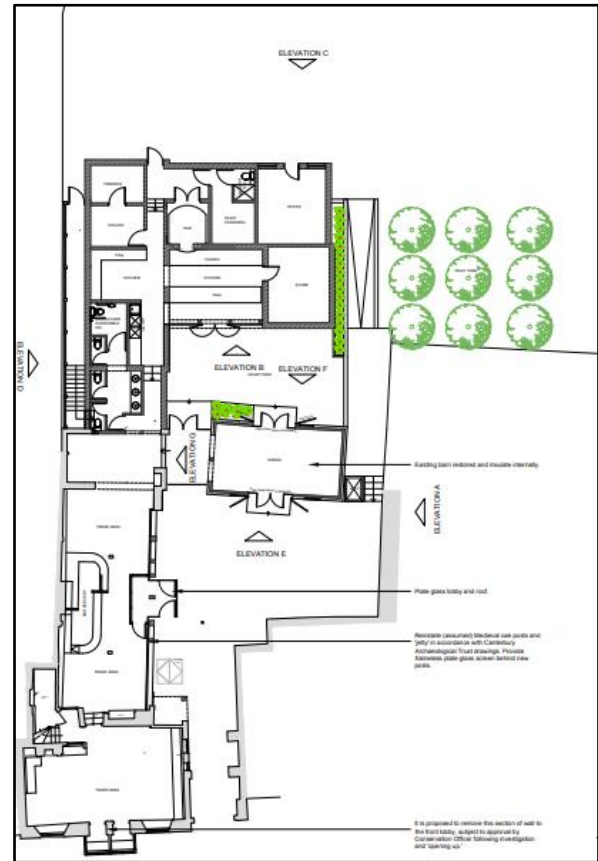
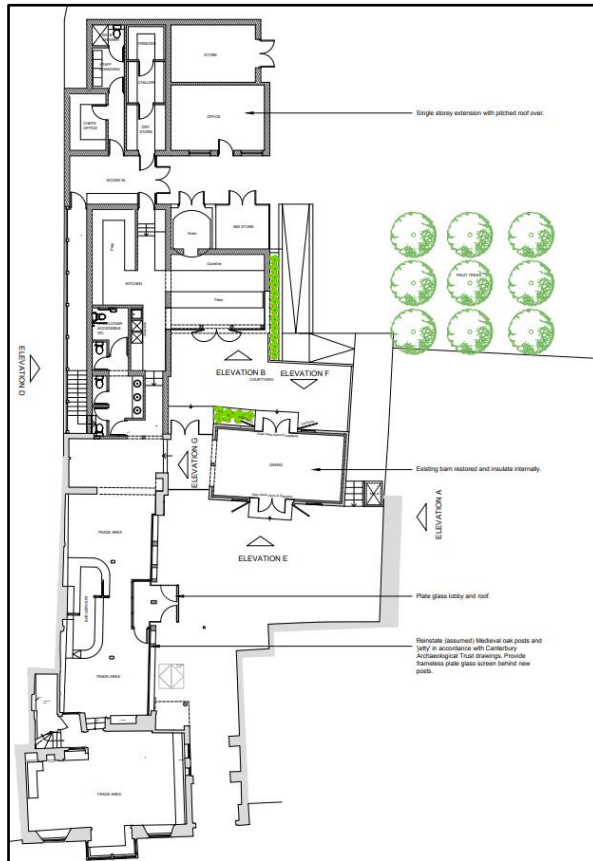


Figure 3: plans as originally submitted

Figure 4: plans as amended

3.3 The extension would be finished with a red brick plinth, timber featheredge boarding stained black, Kent peg tiles for the pitched roofs and zinc for the flat roof. A glazed link would be formed to the single storey outbuilding, which would be refurbished internally and externally to provide a dining area, with a lean-to addition removed, whilst the existing courtyard area would be repaved in York stone. Landscaping works across the rear garden area would provide level access for customers and staff and allow the existing area to be utilised by a broader range of clientele. A service lift is proposed between the eastern end of the outbuilding and Cockpit Cottage.

4. CONSULTATION RESPONSES

4.1 The consultation responses are summarised below.

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Consultees

Elham Parish Council: No objection;

- Pleased overall to see that the scheme has been revised as per recommendations, councillors remain extremely concerned over the existing car parking issues in and around The Square which may be substantially aggravated

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by the very large increase from 60 covers to 140 covers under this planning application.

KCC Highways and Transportation: Comments were sought from the Highway Authority following the resolution of the Planning & Licensing Committee of 25 January 2022, but formal comment was declined.

Natural England: Natural England has previously requested further information on this proposal in our letter dated 26 November 2020. The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

[CPO comment: In respect of the comments made, Members should note that the application has undergone significant change to remove the request for additional hotel rooms at first floor level. Consequently, there is no additional overnight accommodation and there would be no impact upon the designated sites.]

Southern Water: No comments received

KCC Archaeology: No objection subject to conditions requiring a programme of building assessment and recording and an archaeological watching brief

Environmental Health: No additional comments received

Arboriculture Manager: No additional comments received

Local Residents Comments

Following the re-consultation exercise of 23 March 2022, twenty three further representations received, all raising objection.

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

Objection

- Trading area remains the same
- Traffic demand will remain the same
- Reduction in scale is not substantial
- Scale of increase in 'covers' is the important aspect – 60 to 140
- Insufficient parking
- Increase in light pollution and noise impact
- Use of modern materials not in keeping with or sympathetic to listed building
- Relocation of entrance does not respect history of pub
- Size and scale disproportionate to residential and historic setting
- Revisions do not reflect Members' request

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- Impact on security for neighbours
- Impact on views
- Loss of Post Office
- Lack of details in respect of information to be required via condition

Within the letters of objection, several expressed broad support on the general principle in the terms below:

- Refurbishment of historic pub is required
- Investment will allow pub to remain at heart of village

Listed Building Consent 20/0752/FH

Consultees

Elham Parish Council: No objection;

- Pleased overall to see that the scheme has been revised as per recommendations, councillors remain extremely concerned over the existing car parking issues in and around The Square which may be substantially aggravated by the very large increase from 60 covers to 140 covers under this planning application.

Local Residents Comments

Four further representations received, two supporting and two objecting.

I have read all of the representations received. The relevant key issues are summarised below:

Objection

- Changes do not respect historic character of Kings Arms
- Relocation of entrance is unsympathetic to historic building

Support

- Transformation and preservation of pub
- Change would bring custom to area
- Wider benefit to other businesses

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

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

5. POLICY UPDATE

The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.

6. APPRAISAL

6.1 The principle of development, residential amenity, archaeology, heritage and highways were discussed within the original report attached at Appendix 1. Members voted that the item be deferred for the reasons set out at paragraph 1.1. Only those issues affected by the amended plans have been re-appraised below.

- a) Visual amenity
- b) Residential amenity
- c) Archaeology
- d) Heritage
- e) Highways

a) Visual amenity

6.2 This site is within the designated Kent Downs Area of Outstanding Natural Beauty (AONB) and North Downs Special Landscape Area (SLA), as protected by 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 development proposals that are inconsistent with this objective will not be permitted unless development is appropriate to the economic, social and environmental well-being of the area. The NPPF, at paragraph 176, 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.

6.3 The site is within the settlement boundary amongst the existing built form of the Elham Rural Centre, with the majority of the proposed development within the rear garden area of the public house. This area is obscured from ready view by the surrounding development in views from the south, west and north, but could be seen in views looking west from Cock Lane.

6.4 It was in regard to this view from the west that concern was raised by Members regarding the extent of the projection of the proposed development. This projection, as can be seen in figures 1-4, has been reduced significantly and it is considered that in these views, the single storey development would sit below the roof line of the existing development that runs along the High Street further to the west, with the reduced length of the extension also reducing any potential impact from the increased visual presence of the extension. In conjunction with the proposed materials, which would be locally distinctive in character (clay roof tiles, black-stained timber weather boarding and red

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brick plinth) and would accord with the materials used in the surrounding development, the proposal is considered to be acceptable on visual amenity grounds and would not result in a visually obtrusive development in this regard.

- 6.5 As amended, the proposed structures are considered to accord with the character and appearance of the local area by virtue of their traditional vernacular form, redolent of the existing outbuildings and small structures that can be found in the surrounding area. Whilst the proposal would introduce new development into a part of the site that currently is not developed, the proposals are now much reduced, with a negligible impact upon the visual character of this part of the AONB landscape and are considered likely to sit comfortably within the existing built form, with negligible harm to the AONB and SLA designations.
- 6.6 As set out in the previous report, a lighting scheme and strategy could reasonably be secured via condition, in order to maintain control over the timings and levels of lighting that would be associated with the new development, in order to protect existing lighting levels, in accordance with policy NE5.
- 6.7 Overall, the visual impact of the scheme upon the designated landscapes is considered to be acceptable in accordance with policies NE3, NE5 and the National Planning Policy Framework.

b) Residential amenity

- 6.8 Residential dwellings are located to all sides of the public house and its gardens with Corner Cottage and Cockpit Cottage having a very close relationship with the existing courtyard area and Cockpit Cottage, Wise Follies and The Cottage also abutting the garden area. The concerns of local residents have been noted in relation to noise and disturbance arising from the use of the public house and gardens at a greater intensity following the proposed investment, with particular reference to the refurbished courtyard area and the creation of a terrace to the north of the existing outbuilding, which is to be refurbished.
- 6.9 The revised proposal sees the degree of projection eastward toward Cockpit Cottage increased, with concerns regarding the impact upon residential amenity raised in representations received. However, it is considered that this redesign would not result in a detrimental impact upon the residential amenity of the dwelling from any overbearing presence, impact upon outlook or overshadowing, as a consequence of the single storey nature of the proposal, which would also be set away from the boundary approximately 3.4 metres. There are no upper floor windows, with no impact therefore possible from a loss of privacy.
- 6.10 As stated previously, the public house use is an existing one and the public house and its grounds can already be used in association with the business, with any refurbishment or change of ownership, whether or not planning permission or listed building consent is required, and potentially giving rise to increased usage as the business rejuvenates.
- 6.11 As before, the proposed courtyard to the north of the refurbished outbuilding would allow use of an area of land that is currently unlikely to be used as a consequence of being overgrown and steeply sloping, even though it is within the existing pub garden area, which wraps around Cockpit Cottage. Should Members be minded to approve, it is considered that submission of details of boundary treatment to this courtyard can be

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secured via condition in order to limit any possible views over the amenity areas of Cockpit Cottage. The concerns in relation to this are noted, but it is not an unusual procedure to require details of boundary treatment subsequent to the grant of permission.

- 6.12 The amended plans continue to show fruit trees to be planted to the northern boundary of Cockpit Cottage, creating a barrier to the larger area of the public house garden and improving the situation over the current one, where clientele can sit or stand immediately adjacent to the boundary fence. The provision of this landscaping is also capable of being secured via condition. Also adjacent to Cockpit Cottage is the service lift, used to assist staff with moving bins across levels in the site. It is considered that the use of this should be controlled to within certain times and also be subject to a condition in respect of noise emission, as proposed by the Council's Environmental Health Officer. In addition, it is also considered reasonable to secure via condition that no amplified music is to be played to the courtyard areas. This would further mitigate the potential for harm to residential amenity as a result of noise generated by the use of the premises.
- 6.13 The business also currently operates a restaurant with the extraction system venting out of the north-facing gable of the existing two-storey rear extension which runs along the western boundary. The proposal would install a new system within the roof of the proposed extension that would house the new kitchen area, with no net change in circumstance over the existing. Indeed, there may be an improvement in noise levels as the new system will be modern and full details can reasonably be secured via condition, with noise levels limited.
- 6.14 A fire escape is proposed to emerge from the area where the current extraction system expels air, with concerns associated with the views possible from this into the garden area of Wise Follies. However, as it has been confirmed to be an emergency escape only, with this reasonably secured by condition, there would be no day-to-day use and no detrimental impact upon privacy within normal parameters of use.
- 6.15 The proposed extensions would run adjacent to the common boundary with Wise Follies. The application site is set at a lower level and these extensions would be single storey, set away from the common boundary and with the roofs pitched away from the boundary also. Consequently, it is considered that there would be no detrimental impact from overshadowing or an overbearing presence.
- 6.16 Overall, it is considered that there would be no significant detrimental impact to residential amenity and the application is not considered to be in conflict with policies HB1 and HB8 of the Places and Polices Local Plan, which seek to ensure development does not have an adverse impact on the amenity of neighbours or the surrounding area.

c) Archaeology

- 6.17 The application site lies in an area of archaeological potential associated with and Palaeolithic potential of the wider area and the location in the historic core of Elham.
- 6.18 The amended plans have not changed the requirements of KCC Archaeology who have advised that a programme of archaeological work should followed, alongside a programme of building assessment and recording, both of which could be secured via condition. With these conditions in place, it is considered that there would be no

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detrimental impact upon historic building structural archaeology and below-ground archaeology in accordance with policy HE2 of the Places and Policies Local Plan.

d) Heritage

- 6.19 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. Therefore the main issue in the consideration of the proposals is the effect of the works on the architectural or historic interest of the Listed Building and any adjacent listed buildings. As the application site is within the Elham Conservation Area, the requirements of section 72 (1) of the same legislation, namely the desirability of preserving or enhancing the character or appearance of that area, must also be observed.
- 6.20 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.
- 6.21 Paragraph 202 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. 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

- 6.22 Beginning with the works that directly affect the fabric of the building, these have been described previously in paragraphs 3.4 and 3.5 of the report to Planning & Licensing Committee of 25 January 2022, attached as Appendix 1.
- 6.23 The rear extension would be a significant addition to the listed building but has been reduced in length by approximately 8 metres and retains the character of a modest group of outbuildings that have been added over time, using multiple pitched roofs that give an organic feel to the accretion, with a single-storey form that does not dominate the listed structure, maintains period architectural detailing and utilises sympathetic materials for the external surfaces, full detail of which can be secured via condition.
- 6.24 The retention and refurbishment of the small c18th timber framed building is as previously proposed, with the retention of the existing south entrance, the proposed second opening on the north side and the connecting link to the rear range all considered acceptable. Conditions should be imposed to secure the proper retention/repair of the framework, cladding etc. and the detailing of the plinths, especially on the east side, together with the details of the conversion and upgrading of the interiors.
- 6.25 In respect of the front of the main Kings Arms building, the blocking of the existing entrance door from The Square alongside the proposal to convert the Victorian porch

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into a snug area would not give rise to harm to the listed building. However, some concern remains over the removal of the structure between the two existing front doors, which could be a c15th structure, boxed in during the c19th and if this is the case, its removal would not be acceptable. The applicant has been advised to omit this element from the scheme and replace it with a proposal to retain the post but allowing the stripping away of the more recent claddings around it. If the opening up of the area reveals no historic structure, detailed drawings of the doorway area could be secured via condition, showing the complete removal of the post.

- 6.26 For the eastern-facing ground floor wall of the range, it is proposed to remove the late c19th brickwork and replace it with timber framing and glazing. This approach would result in the replacement wall being more slender, saving space and via the glazing, allow a better interaction between the bar area and the courtyard area outside. From an historic building point of view, this alteration would have the benefit of restoring the historic jetty to view and reinstating the sense of the original structure of the building at ground floor level, which is currently obscured by the brick wall.
- 6.27 However, current proposals show no framing in the section nearest the main range as the brickwork obscures some of the evidence required to inform the placement of such framing and it is considered that the most appropriate way forward would be to impose a condition on any consent requiring that the detailed design of the timber framework should be agreed as works proceed, at a point where investigative opening up and removal of the brickwork will provide the evidence to allow the rest of the framing design to be determined, thus enabling it to be properly reconstructed to the historic arrangement.
- 6.28 The detail of the frameless glass lobby and connecting link to the outbuilding should be secured by condition, alongside all details of handrails, boundary treatments and landscaping materials.
- 6.29 Overall, it is considered that the proposals for alteration to the fabric of the listed building would be acceptable and would cause less than substantial harm to its significance.

Alterations to setting

- 6.30 In relation to the Kings Arms, the proposed extensions, alterations and landscaping are predominantly to the rear and it is considered that the low-level nature of the structures combined with the projection to the rear having been reduced significantly, the materials proposed and their design, would result in there being very limited impact upon the views of the garden area from Cock Lane. In views from the curtilage of the property itself, the appreciation of the rear elements of the building from the pub garden would be curtailed as a consequence of the greater extension westward of the rear extension. However, this view is not a primary one and is currently limited by the existing outbuilding, with the later addition of the kitchen area visible from the north. This restriction of the view is not considered likely to be detrimental to the significance of the setting of the listed building. The appreciation of the Kings Arms from The Square would not be impacted as a consequence of either the amended plans and also the external works being to the rear and views of these would be obscured by the property itself and those to either side. Overall the setting of the Kings Arms is not considered to be detrimentally impacted.

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6.31 Turning to the adjacent listed buildings of Corner Cottage, Wise Follies and The Cottage, the primary appreciation of Wise Follies is from The Square; for Corner Cottage it is The Square and Cock Lane; for The Cottage, the main view is from Cock Lane. In this respect, the proposed extensions (as amended) and alterations are considered to have no discernible impact upon the setting of these structures when viewed from The Square and when viewed from Cock Lane, they are considered likely to be subservient and would not detract from or interfere with views of the heritage assets. From within the pub garden and courtyard areas, the significance of the listed structure is considered unlikely to be impacted detrimentally as a consequence of the proposed works. Indeed, the refurbishment of the courtyard area adjacent to the rear range of the Kings Arms will improve the immediate setting of both Cockpit Cottage and Corner Cottage. Overall, there is considered to be no harm to the setting of the adjacent listed buildings.

Consideration of Impacts

6.32 Paragraph 202 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:

- Economic development through investment into the existing rural business;
- Supporting local business and services who may be involved in the construction process;
- Refurbishment of the listed building;
- Enhancements to the significance of the Kings Arms through the removal of 19th Century wall to better reveal the dimensions and structure of the historic range.

6.33 It is considered for this case that the less than substantial harm to the listed building would not affect its significance and would be outweighed by the public benefits of the proposal, in accordance with paragraph 202 of the National Planning Policy Framework and policy HE1 of the Places and Policies Local Plan.

Conservation Area

6.44 In respect of the Conservation Area, the views of the application site from The Square will be unaffected by the proposals. From Cock Lane, views westward toward the rear garden area of the public house have been identified to be possible, with the proposed extensions as originally submitted considered likely to be visible and deemed to be a concern by Members. However, as set out at paragraphs 7.4 and 7.5 above, the single-storey nature of the development, the significantly reduced length shown on the amended plans, as well as the architectural detailing and choice of locally distinctive materials will mean that the extensions would have no detrimental impact as regards scale, form or character, with a significantly reduced visual presence of additional built form.

6.45 The harm of the additional built form is considered to be less than substantial and as set out in paragraph 7.31 this harm should be weighed against the public benefits of the proposal. The benefits of the proposal are considered to be the same as above and it is considered that the less than substantial harm to the conservation area would not affect its significance and would be outweighed by the public benefits of the

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proposal in accordance with paragraph 202 of the National Planning Policy Framework and policy HE1 of the Places and Polices Local Plan.

e) Highways

- 6.46 As set out previously, the existing business has no existing off-street parking or parking allocation. Clientele and staff primarily utilise The Square and the surrounding road network, whilst local visitors and staff may choose to walk.
- 6.47 Whilst the extension has been significantly reduced in overall size, there remains an approximate 44.7sqm increase in trading area as a consequence of the proposals, which equates to an additional demand of 4 car parking spaces for customers. Staffing figures are identified to rise by the same amount, with approximately 10 additional full time equivalent staff creating a demand for 5 additional spaces. It is noted that many part time staff will come from the local area and may walk to work, but this cannot be guaranteed.
- 6.48 Concern had been raised locally with regard to the availability of parking for the public house, with the proposed refurbishment, investment and extension considered likely to increase demand as the business aspires to become a destination venue. From the representations received, this concern persists.
- 6.49 The formal views of KCC Highways & Transportation were sought and as before, the proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Following the deferral by Members, they have advised outside of the consultation process that there would be no highway safety issue associated with the potential increase in parking as a result of the proposal, with the issue being one of potential amenity.
- 6.50 In this respect, it must be re-iterated that although there would be an increased demand for parking associated with the public house, paragraph 111 of the NPPF sets out that; *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 6.51 It is considered that the increase in demand for parking is unlikely to result in any detriment to highway safety, with the additional demand likely to be in the region of 9 spaces over and above the existing use, at peak times. Local authorities must use their discretion in the application of the standards in town and district centres, having regard to the availability of public off street parking and the need to encourage the vitality of centres and investment in them. This proposal would bring investment to, refurbish a listed building and would support an existing community facility. It remains the view of Officers that the impact upon the surrounding road network and the amenity of residents is considered unlikely to be so severe as to result in highway safety issues or significant consistent detriment to residential amenity that would warrant refusal. Overall, the existing parking provision is considered acceptable and in accordance with policies HB1 and T2.

Environmental Impact Assessment

- 6.52 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either

category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

6.53 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.

6.54 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

6.55 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

6.56 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

6.57 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.

7. PLANNING APPLICATION CONCLUSION (20/0747/FH)

- 7.1 The proposal would result in the restoration and refurbishment of a grade II listed building and maintain and enhance the current viable use, whilst allowing an existing rural enterprise to expand. Whilst this would result in less than substantial harm to the significance of the listed building and the visual character of the conservation area and designated AONB through the introduction of structures in the immediate setting, the impacts are considered to be acceptable and outweighed by the public benefits of the proposal from increased economic activity, supporting the appropriate expansion of rural enterprises and supporting a heritage asset in its most viable use. All other material considerations at the site are considered to be acceptable in terms of impacts upon residential amenity, visual amenity, highway safety and archaeology, subject to suitable conditions.

LISTED BUILDING CONSENT CONCLUSION (20/0752/FH)

- 7.2 The proposed works would result in the restoration and refurbishment of a grade II listed building. Whilst this would result in less than substantial harm to the significance of the heritage asset, the impacts are considered to be acceptable and outweighed by the public benefits of the proposal from increased economic activity, supporting the appropriate expansion of rural enterprises and supporting a heritage asset in its most viable use.

8 BACKGROUND DOCUMENTS

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

9 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:

20/0747/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:

Proposed Elevations K.A.E / 020 / 110 Rev. E

Proposed Plans K.A.E / 20 / 111 Rev. F

Reason

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

3. Development shall not commence 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. No development beyond the construction of foundations shall take place until details of a landscaping scheme for the site, inclusive of the fruit trees required to be planted to the rear of Cockpit Cottage and including an implementation programme and maintenance schedule, has been 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. No development beyond the construction of foundations shall take place until a detailed external lighting scheme for the whole development, including associated timings, has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first use of the development hereby approved, and thereafter retained and maintained to the approved specification. The details submitted shall demonstrate that the area will maintain existing light levels at the site. 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:

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

6. 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

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and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason

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

7. Details of all boundary treatments and fencing to be installed within and around the site shall be submitted to the local planning authority for approval in writing, prior to the first use of the facility. 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.

8. No amplified music shall be played to the external areas at the premises

Reason:

In the interests of residential amenity.

9. No extraction equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approval and be retained as such thereafter

Reason:

In the interests of residential amenity.

10. The service lift shown on the approved plans shall not be installed until full details of its predicted acoustic performance and times of use have been submitted to and approved by the Local Planning Authority and be retained as such thereafter.

Reason:

In the interests of residential amenity.

11. The fire escape shown on the approved plans shall be used for emergency purposes only and not for general access and egress.

Reason:

In the interests of residential amenity.

12. The main entrance to the building shall be as shown on the approved plans, being a double door entry system with a lobby.

Reason:

In the interests of residential amenity.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be

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undertaken by an archaeologist approved by the Local Planning Authority so that structural building works and groundworks are observed and archaeological information recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has first 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.

Conditions:

20/0752/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:

Proposed Elevations K.A.E / 020 / 110 Rev. E

Proposed Plans K.A.E / 20 / 111 Rev. F

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

3. Notwithstanding the current proposals for the reinstatement of the framing to the rear range east wall, a detailed structural scheme for the design of the framing shall be submitted to and approved by the Local Planning Authority prior to the construction of this element of the scheme, with such proposals to be based on the archaeological survey and reconstruction drawing produced by Canterbury Archaeological Trust and supplemented by further information made available following preliminary exploratory works, the details of which shall also be submitted to and approved in writing by the Local Planning Authority prior to the substantive works commencing. Such details as approved shall be thereafter implemented.

Such drawings to be provided shall be at scales 1:20 or 1:50 with detailed elements at scales 1:5 or 1:10, together with the dimension (scantlings) of all structural members within the reconstructed framing.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

4. Following preliminary exploratory works, detailed elevations of the doorway area, both from within the public house and from within the porch, together with a section, both as existing and as proposed, shall be submitted to the Local Planning Authority for approval at a scale of 1:20 or 1:10 with details of alterations to joinery at a scale

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of 1:5 or 1:2. Such details as approved shall be thereafter implemented and retained.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

5. No works beyond the construction of foundations shall take place until full details of external finishes and colours have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

6. No works beyond the construction of foundations shall take place until full details of the construction of eaves, verges, lantern light, escape staircase and plinths 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 be retained as such thereafter. Drawings shall be at scales of 1:5, 1:10 or 1:20 as appropriate.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

7. Roof detailing shall follow traditional peg tile detailing, with hogs back ridges, bonnet hips and valleys and plain tiled verges, avoiding tile-and-a-half's at verges, with no works beyond the construction of foundations to take place until full details of the roofs have been submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved plans and be retained as such thereafter. Drawings to be scale 1:5, 1:10 or 1:20 as appropriate.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

8. No works beyond the construction of foundations shall take place until details of the construction of any fencing, balustrading, screens, and brickwork to boundary walls and retaining structures at scales of 1:5, 1:10 or 1:20 as appropriate have been submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out and retained in accordance with the approved plans.

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

9. No works beyond the construction of foundations shall take place until details of the hard landscaping proposals inclusive of details of existing and proposed levels, paving materials, the design of steps and the goods lift proposal on the eastern boundary of the site at scales of 1:5, 1:10 or 1:20 as appropriate have been submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out and retained in accordance with the approved plans.

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

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10. Prior to commencement of works, a detailed survey of the structural frame of the retained outbuilding (former stable building) showing the extent of repair, replacement or retention of the structural frame members and any alterations at a scale of 1:50 (unless otherwise appropriate) shall be submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out in accordance with the approved plans and be retained as such.

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

11. Prior to commencement of works, details of the conversion and upgrading of the stable building showing the positioning of insulation, internal finishes, floor slab and ventilation at a scale 1:20 (unless otherwise appropriate) shall be submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out in accordance with the approved plans and be retained as such.

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

12. Prior to commencement of works, details of the proposed glazed link between the retained outbuilding and the main rear range of the public house at a scale of 1:20 (unless otherwise appropriate) shall be submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out and retained in accordance with the approved plans.

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

13. Prior to commencement of works, details showing the existing and proposed treatment of the elevations exposed by the removal of the existing w/c, within and outside the frontage range building and showing the treatment of any wall linings cladding etc, together with the treatment of the proposed structural post, intended to provide replacement support to the first floor bathroom, which is to remain following the demolition of the ground floor toilets beneath it, shall be submitted to and approved in writing by the Local Authority. Works shall thereafter be carried out and retained in accordance with the approved plans.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

14. The brick bonding throughout the works shall be Flemish bond and details of the mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority for approval prior to commencement of works. All mortar shall be finished flush and 'brushed back' and be retained as such thereafter.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

15. All rainwater goods to be used as part of the works hereby permitted shall be of cast iron construction unless otherwise agreed in writing by the Local Planning Authority.

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Reason: In the interest of the special architectural or historic interest of the heritage asset.

16. No works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building assessment and recording in accordance with a written specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority.

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

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Appendix 1 – Previous report to Planning & Licensing Committee