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Application No: 21/2514/FH

Location of Site: The Bell Inn, 1 Seabrook Road, Hythe, Kent, CT21 5NB

Development: Retrospective application for the creation of covered area within pub garden.

Applicant: Mr Pancholi

Agent: Z Horton, GBA Designs Ltd

Officer Contact: Danielle Wilkins

SUMMARY

The report considers whether retrospective planning permission should be granted for the erection of a covered seating area within the rear garden of the Bell Inn. The report assesses the visual amenity of the proposal, the impact on the Listed Building and the amenity of neighbouring residents, finding that the proposal is acceptable and in accordance with adopted policy.

RECOMMENDATION:

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

1. INTRODUCTION

1.1 The application is reported to Committee due to the objections received from Hythe Town Council

2. SITE AND SURROUNDINGS

2.1 The application site comprises a public house with large rear garden. The Bell Inn is located on the north side of Seabrook Road, about 100m east of the roundabout at the eastern end of Hythe High Street, opposite the junction with Twiss Road. The structure, which has already been constructed, is located to the rear of the site, close to the northern boundary with Mill Road. The boundary treatment to this part of the pub garden amounts to tall hedgerows and close boarded fencing. A car park lies immediately to the east of the site, with dwellings beyond, and Bell Inn Road lies to the west, with houses on the opposite side of the highway.

2.2 The Bell Inn is Grade II listed. The site is also situated in an archaeological notification area.

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

3. PROPOSAL

3.1 Retrospective planning permission is sought for the erection of a covered outdoor seating area within the pub garden.

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- 3.2 The covered outdoor seating area measures approximately 7.9m in width, 9m in depth and 2.9m in height. The shelter is an open-sided timber framed structure comprising 16 braced timber posts supporting a nearly flat felt covered roof. Internal heating and lighting have been installed within the roof space.
- 3.3 The shelter has been constructed at the far, northern end of the pub garden, adjacent to an existing garage with a steep corrugated iron clad roof.

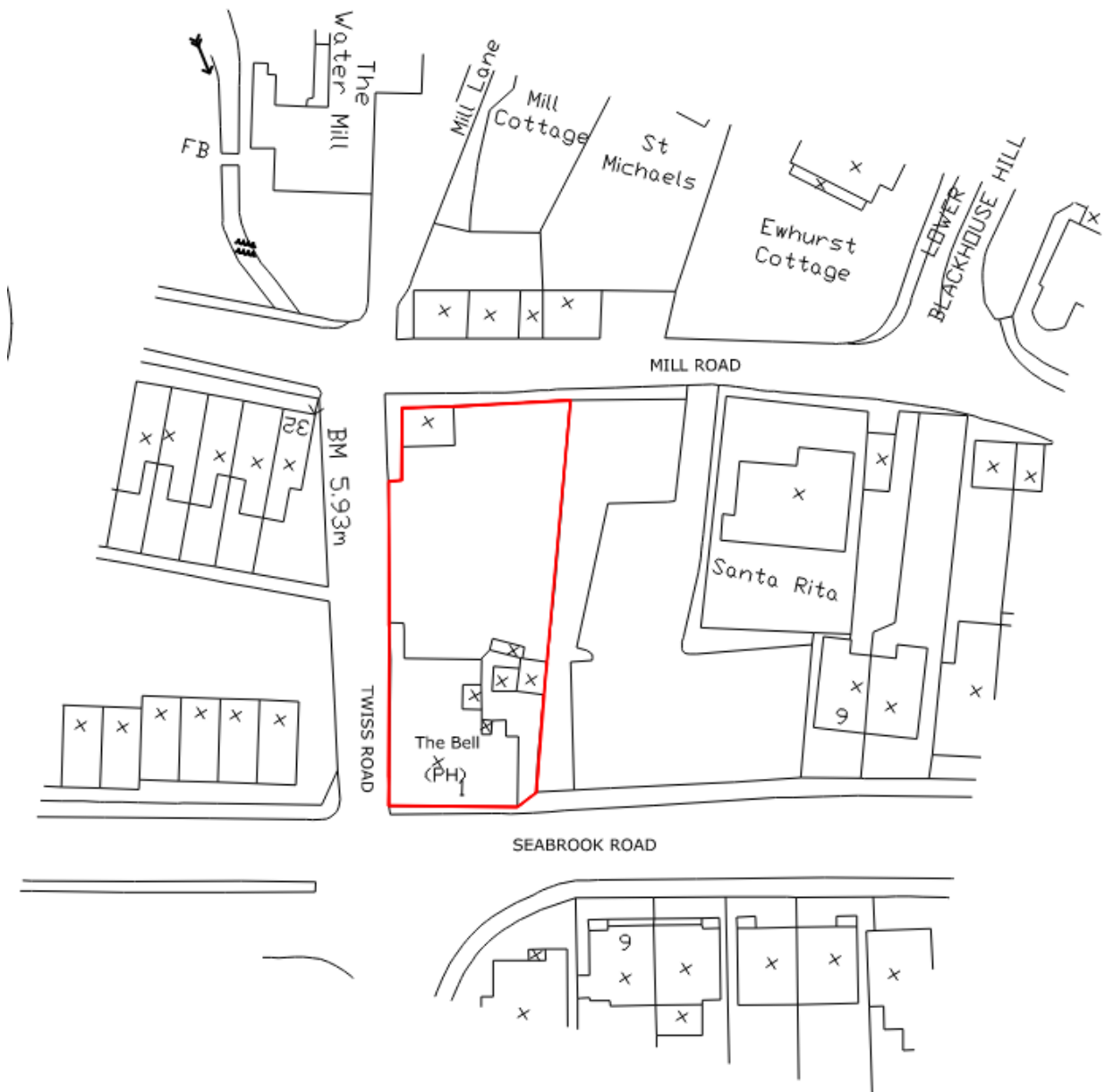


Figure 1: site location plan

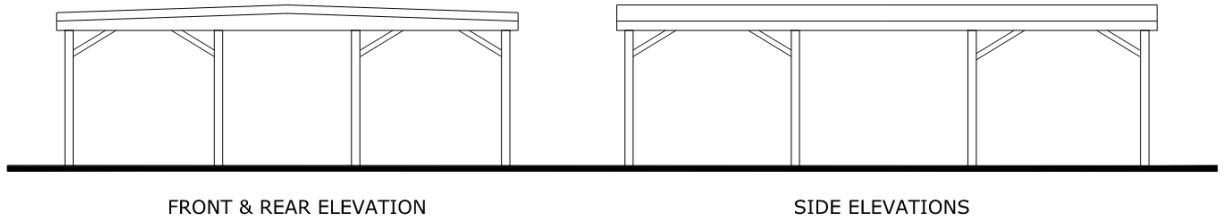


Figure 2: Proposed elevations

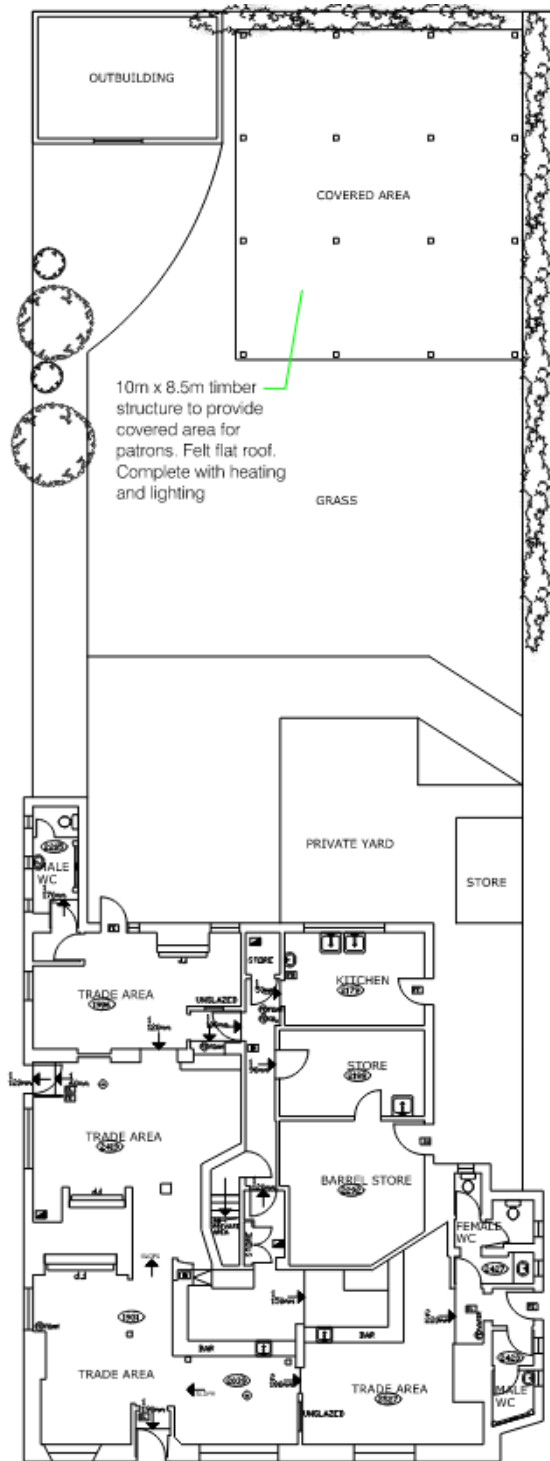


Figure 3: Block plan/floor plan

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Figure 4: Photos

4. RELEVANT PLANNING HISTORY

- 4.1 The site has a long planning history, none of which is relevant to the development the subject of this application.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council: Object on the grounds that:

- The application is retrospective
- Would support the application subject to a better design and location closer to the pub

Heritage Consultant: No objections

Environmental Health: No objections.

Environment Agency: No comments to make.

Local Residents Comments

5.2 35 neighbours directly consulted. 4 letters of objection and 1 letter of support received.

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

Objections

- Noise concerns
- Anti-social behaviour
- Size of structure
- Light pollution

Support

- Supports a local business and community asset

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

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

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 HB8 HE1 HE2

Core Strategy Review (2022)

CSD7

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

Government Advice

National Planning Policy Framework (NPPF) 2023

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

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 194 and 197 – Proposals affecting heritage assets

National Planning Policy Guidance (NPPG) 2021

7. APPRAISAL

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

- a) Design/layout/visual amenity
- b) Impact on Listed Building
- c) Residential amenity
- d) Highway safety

a) Design/layout/visual amenity

7.2 Policy HB1 states that proposals must make a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character;

7.3 The structure is of a simple design. The slack pitch of the roof assists in minimising its prominence, and the use of timber and felt is acceptable in the context of the listed building to the south. The structure is largely screened from view by the high boundary hedges and fence and the existing outbuilding. The structure will be visible from some of the buildings to the north, and potentially from the public footway which runs northwards towards Station Road. These views are however comparatively long distance, and as such the visual impact of the building would be limited.

7.4 Whilst the structure has a large footprint, it is modest in height and unobtrusive, having a minimal impact on the street scene or wider area. It is of an appropriate design and is considered to comply with Policy HB1 of the Local Plan.

b) Impact on Listed Building

7.5 Policy HB8 states that alterations should respect the character of the host building and its location and should not result in unacceptable harm to heritage assets or their setting

7.6 Paragraph 197 of the NPPF sets out the tests when determining applications relating Listed Buildings, stating that LPAs should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

7.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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7.8 The structure has located at the farthest point of the site from the listed building, which minimises its impact on the setting of the building and allows it to be properly appreciated from within and outside the site. It is a lightweight and open design, constructed from timber, clearly reading as a subservient addition to the site. Whilst the structure is intervisible with the pub, it is not considered to impact upon the setting of the listed building for the reasons set out above, resulting in no harm to the setting of the listed building or its setting. It would not give rise to harm to the significance of this designated heritage asset and is acceptable, in compliance with Policy HB8 of the Local Plan.

c) Residential Amenity

7.6 The structure is situated behind a large hedge and away from neighbouring properties so as not to cause any overlooking/overshadowing concerns. The closest residential dwelling is approximately 14 meters from the structure, on the opposite side of the Bell Inn Road.

7.7 It is noted that concern has been raised regarding increased noise and disturbance to local residents. The building is though sited within an existing pub garden, where outdoor seating does not require planning permission. And where a degree of noise is to be expected. Aerial photography shows that the tables and benches have been positioned in the site of the structure since 2006. Environmental Health have been consulted and have confirmed that, while noise complaints have been made in the past, the proposal is considered to be acceptable.

7.8 Concern has also been raised with regards to light pollution from within the covered shelter. Festoon lighting has been hung within the confines of the timber shelter and would allow for very little light spill into the remaining garden space. Owing to the large hedged boundaries it is not considered that the festoon lighting would result in any significant amenity concerns. A condition is recommended controlling any further lighting being installed without details having been submitted to and approved in writing.

7.8 Having regard to the above, it is considered that the impact on residential amenity is acceptable.

d) Highway safety

7.9 The structure has been erected within the existing pub garden, and does not result in an increase in capacity at the pub. As such, it is not considered to result in an increase in parking demand.

Environmental Impact Assessment

7.10 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.

Human Rights

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7.11 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.12 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

7.13 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

8.1 No harm is envisaged to the visual amenity of the building, a designated heritage asset, or the streetscene, whilst the standard of residential amenity for neighbouring occupants would be unaffected.

8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

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

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1. With the exception of the existing festoon lighting, no further lighting shall be installed on the building other than in compliance with details which have first been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of residential and visual amenity.

Informative

1. This application has been determined on the basis of drawing no: 2396/100