

DCL/21/46

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 application is reported to Committee due to the views of Elham Parish Council.

2. SITE AND SURROUNDINGS

2.1. The application site is within the defined settlement boundary of Elham, a Rural Centre in the North Downs Area that has been identified as having a role to develop in a manner that supports their role as integrated tourist and local centres providing shops and services for a significant number of residents, visitors, and also for other villages

DCL/21/46

in the North Downs. The wider area is designated Kent Downs Area of Outstanding Natural Beauty (AONB), North Downs Special Landscape Area (SLA), with the application site also part of the Elham Conservation Area. The existing site layout is shown below, in Figure 1:



Figure 1

2.2. The application site comprises the Kings Arms public house and associated garden and outbuildings. The main property is a Grade II listed c16th two-storey timber building fronting on to The Square in Elham with a carriage entry passing under the building at its eastern side, leading through to a rear courtyard. A two-storey rear range extends out northwards containing the rear courtyard on its east side. The courtyard wraps around the side and rear of Corner Cottage, a diminutive Grade II listed cottage attached to the eastern end of the Kings Arms. At the rear of the courtyard is a single storey detached outbuilding, behind which is a large garden plot – currently used as the pub garden – which wraps around the western and northern boundaries of Cockpit Cottage. To the northern boundary of the site is the garden area of The Cottage, a Grade II listed dwelling. The public house fronts onto The Square, an area marked out for vehicular parking and connecting to the surrounding road network, with residential properties on three sides and St Marys Church to the southern side, a Grade I listed ecclesiastical building.

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

3. PROPOSAL

Planning application 20/0747/FH

- 3.1 Full planning permission is sought for the erection of single storey rear extensions, refurbishment and alteration of the existing outbuilding to provide a dining area and associated landscaping works. 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 facilities and ancillary offices. The block plan can be seen in figure 2 below and the proposed ground floor layout can be seen in figure 3.

- 3.3 The extensions would step down following the topography of the site (see figure 4) and are shown to 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.

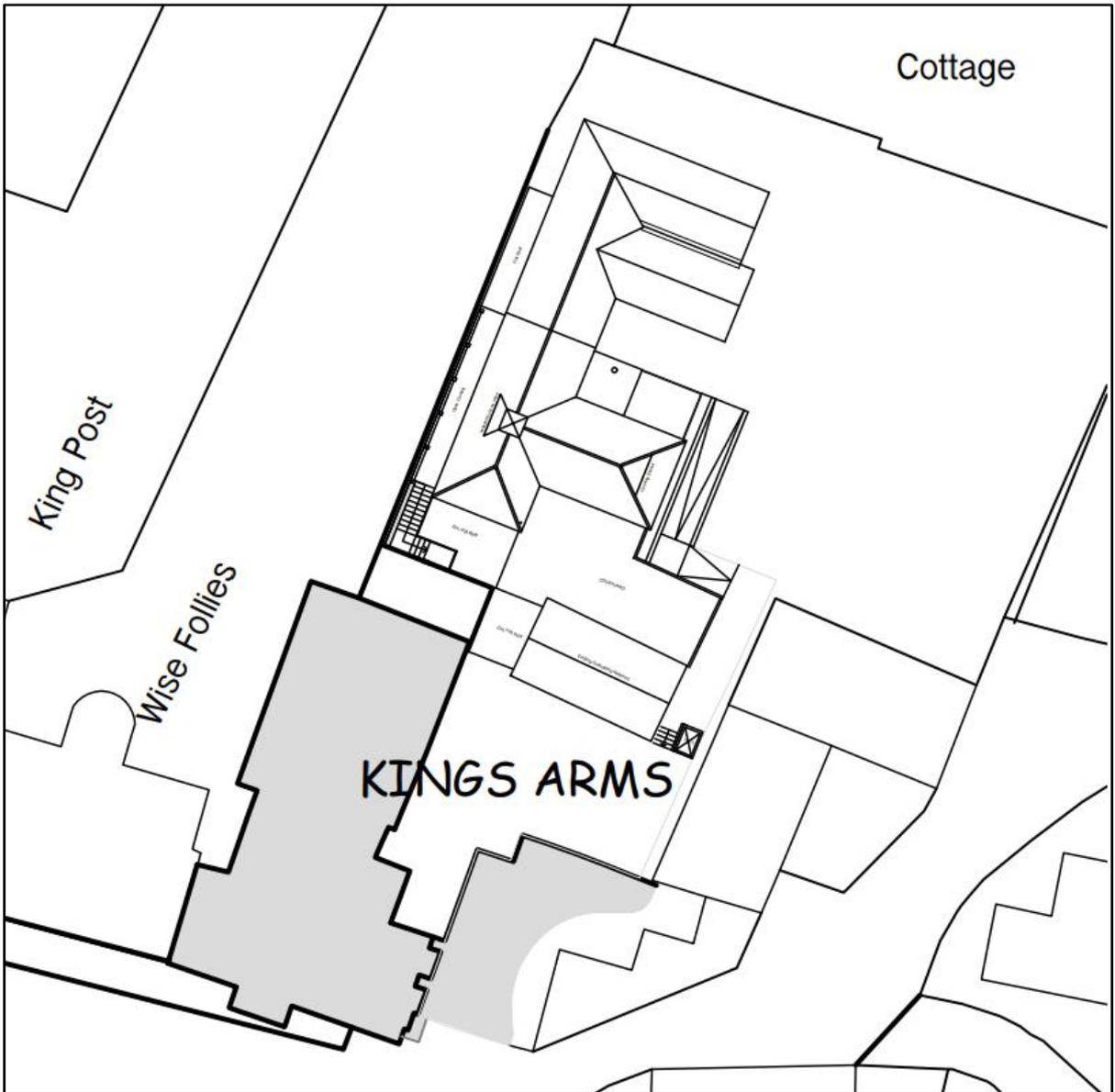


Figure 2



Figure 4

- 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

This document summarises the proposals and objectives for the application, provides the listing details of the building and provides brief, positive statements regarding the proposed use, layout, scale, appearance, context and access.

Heritage Statement

This document provides information upon the significance and character of the heritage asset and assesses whether the works proposed would affect the significance, character, or setting of the heritage assets. It sets out the proposed works and assesses their impact, concluding that they will result in much of the modern fabric being removed, with historic and significant fabric remaining. It also acknowledges that the works are considered extensive but are balanced by a need to retain the original function of the building for the future.

Noise Assessment & Technical Specification

These documents relate to the proposal to install a replacement kitchen extraction system as part of the proposed development and provide a specification for the proposed plant and provide details of a noise survey carried out at the site to determine prevailing background noise levels that are representative of the nearest noise sensitive properties, carry out a worst-case noise assessment of the noise levels associated with the proposed plant and conclude that the predicted noise impact would be low.

Listed Building Consent 20/0752/FH

DCL/21/46

- 3.3 Listed building consent is sought for the erection of 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.
- 3.4 As well as the proposed extensions to the rear of the property set out for the planning application, at ground floor level the existing entrance door from The Square is to be closed, with the Victorian porch converted into a snug area. The existing bar counters, front and rear of the main stack are to be removed, with the connection between the two bar areas formed using the servery connection. The existing link between the two bars is to be closed off to form a lobby to separate the staircase from the trading areas. The bar servery is to be shifted to a new bar counter within the enlarged rear bar area within the rear range which extends through to incorporate the former catering kitchen. At first floor level, the existing managers' accommodation would be re-ordered to form a kitchen, dining room and lounge in the range, with the central of the three bedrooms in the main building converted to form a bathroom.
- 3.5 The possibly early c17th rear range is timber framed, once jettied and subsequently underbuilt in brick in the early c20th, with the upper framing infilled with brick nogging, also Victorian and the roof a later early c20th replacement. The ground floor infill brick on the western side is to be removed, with missing frame elements re-installed and glazing installed to allow the trade area to face into the courtyard, with a glazed lobby area also constructed. A connecting link in glass would be constructed to the detached single storey outbuilding, which is also timber framed but considered likely to be late c18th, and clad in black boarding with a steep gabled Kent peg tile roof. The existing entrance of this on the southern side is to be retained and following removal of lean-to elements, a second opening on the north side created, with the interior refurbished.
- 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 and Heritage Statement – please see section 3.2

4. RELEVANT PLANNING HISTORY

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

CH/8/71/176	Provision of fire escape at side of premises	Approved
92/0654/SH	Listed building consent for external alterations to front elevation	Approved with conditions
92/0655/SH	External alterations to front elevation	Approved with conditions

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Planning application 20/0747/FH

Elham Parish Council: Object for the following reason;

- Detrimental impact upon surrounding properties due to sheer scale / height of the proposed extension

KCC Highways and Transportation: No comment made – proposal falls outside of current consultation protocol arrangements.

Natural England: Objection regarding potential significant effects on Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).

[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: Comments received concerning Building Regulations 2010

KCC Archaeology: No objection subject to conditions

Environmental Health: No objection subject to conditions

Arboriculture Manager: No objection

Local Residents Comments

5.2 Thirty one representations received, with twenty-five objecting and six supporting.

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

Objection

- Increased traffic and impact upon residents in Cock Lane
- Insufficient parking
- Increased delivery traffic
- Increase in light pollution and noise impact
- Noise and disturbance from increased use of the rear garden
- Concern regarding licensing hours
- Will Corner Cottage be used as part of the proposal?

DCL/21/46

- Design not in keeping with or sympathetic to listed building
- Loss of front porch entrance
- Size and scale disproportionate to residential and historic setting
- Overshadowing and dominating of garden
- Tranquil nature of conservation area adversely affected
- Increased late night and drunk driving
- Village infrastructure is not sufficient
- Impact on security for neighbours
- Impact on views over the garden
- Loss of privacy
- Kitchen fumes
- Impact upon existing businesses
- Loss of tree
- Application should be called to committee

Support

- Refurbishment of pub is required
- Additional employment in the village
- Parking is already a problem in the village
- Pub is likely to turn to residential without investment
- Positive for local businesses
- Investment will allow pub to remain at heart of village

Y19/1142/FH (Listed Building Consent)

Consultees

Elham Parish Council: Object for the following reason;

- Detrimental impact upon surrounding properties due to sheer scale / height of the proposed extension

Local Residents Comments

5.4 Two representations received, one supporting and one objecting.

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

Objection

- Disproportionate proposals that are over development
- Impact upon neighbouring properties
- Loss of green space and amenity
- Visual impact of flues

- Increased emissions and nuisance
- Closing off porch interferes with listed status of building

Support

- Transformation of pub
- Employment in village

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

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

Policy HB1 - Quality Places Through Design
Policy CC2 - Sustainable Design and Construction
Policy T2 - Parking Standards
Policy T5 - Cycle Parking
Policy HE1 - Heritage Assets
Policy HB8 – Alterations and Extensions to Buildings

Core Strategy Local Plan (2013)

Policy DSD - Delivering Sustainable Development
Policy SS1 - District Spatial Strategy
Policy SS3 - Place-Shaping and Sustainable Settlements Strategy
Policy CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation

Core Strategy Review Submission draft (2019)

Policy SS1 - District Spatial Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy CSD5 - Water and Coastal Environmental Management in Shepway

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

Supplementary Planning Guidance/Documents

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

Government Advice

National Planning Policy Framework (NPPF) 2021

6.5 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 84 to 85 – Supporting a prosperous rural economy

Paragraphs 174 to 176 – conserving and enhancing the natural environment

Paragraphs 194 to 197 – proposals affecting heritage assets

National Planning Policy Guidance (NPPG)

National Design Guide October 2019

7. APPRAISAL

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

- a) Principle of development

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

a) Principle of development

- 7.2 The application site is within of the defined settlement boundary of Elham, a Rural Centre in the North Downs Area that has been identified as having a role to develop in a manner that supports their role as integrated tourist and local centres providing shops and services for a significant number of residents, visitors, and also for other villages in the North Downs, in accordance with Core Strategy policy SS3.
- 7.3 NPPF Paragraph 84 considers 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.
- 7.4 In this respect, the Kings Arms public house site is an existing rural business and as such and in accordance with NPPF paragraph 84 and Core Strategy Policy SS3, it is considered that the broad principle of development at this established rural business is acceptable, subject to all other material planning considerations being considered acceptable also.

b) Visual amenity

- 7.5 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.
- 7.6 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. In these views, it is likely that the single storey development would sit below the roof line of the existing development that runs along the High Street to the west and the proposed materials, which would be locally

DCL/21/46

distinctive in character (clay roof tiles, black-stained timber weather boarding and red brick plinth) would accord with the materials used in the surrounding development so as not to be visually obtrusive.

- 7.7 Further, 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, it would have a negligible impact upon the visual character of this part of the AONB landscape and would sit comfortably within the existing built form, with negligible harm to the AONB and SLA designations.
- 7.8 Concerns have been expressed that the proposal would fail to retain and improve the tranquillity of the AONB, through eroding the experience of dark skies at night. The need to preserve the character of the AONB, an intrinsically dark area, is noted, but the development is within the village confines where there is already light spill. However, a lighting scheme and strategy could 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.
- 7.9 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.

c) Residential amenity

- 7.10 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.
- 7.11 Whilst these concerns are noted, the 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, potentially giving rise to increased usage as the business rejuvenates.
- 7.12 In consideration of the proposed development, 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. It is considered that submission of details of boundary treatment to this courtyard can be secured via condition in order to limit any possible views over the amenity areas of Cockpit Cottage. In addition, the proposed plans also show fruit trees to be planted to the northern boundary of this property, 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 capable of being secured via condition also. Also adjacent to Cockpit Cottage is the service lift, used to assist staff with moving bins across levels in the site. It is considered

DCL/21/46

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.

- 7.13 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.
- 7.14 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.
- 7.15 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.
- 7.16 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 Policies Local Plan, which seek to ensure development does not have an adverse impact on the amenity of neighbours or the surrounding area.

d) Archaeology

- 7.17 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.
- 7.18 KCC Archaeology 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 detrimental impact upon historic building structural archaeology and below-ground archaeology in accordance with policy HE2 of the Places and Policies Local Plan.

e) Heritage

- 7.19 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.

DCL/21/46

- 7.20 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.
- 7.21 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

- 7.22 Beginning with the works that directly affect the fabric of the building, these have been described in paragraphs 3.4 and 3.5 above. The rear extension would be a significant addition to the listed building but has been designed to utilise the modest vernacular of a group of outbuildings that have been added over time, with a single-storey form that does not dominate the listed structures, maintains period architectural detailing and utilises sympathetic materials for the external surfaces, full detail of which can be secured via condition.
- 7.23 The retention and refurbishment of the small c18th timber framed building is welcomed, 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.
- 7.24 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 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.
- 7.25 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.

DCL/21/46

- 7.26 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.
- 7.27 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.
- 7.28 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

- 7.29 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 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 rear elements of the building would still be able to be appreciated from the pub garden as they are now and there is considered to be little change in this regard. The appreciation of the Kings Arms from The Square would not be impacted as a consequence of the external works being to the rear and views of this obscured by the property itself and those to either side. Overall the setting of the Kings Arms is not considered to be detrimentally impacted.
- 7.30 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 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 existing views of these properties are considered unlikely to be impacted 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

- 7.31 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;

DCL/21/46

- 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.

7.32 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 Polices Local Plan.

Conservation Area

7.33 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 are possible, with the proposed extensions to the rear likely to be visible. However, as set out at paragraphs 7.6 and 7.7 previously, the single-storey nature of the development, as well as the architectural detailing and choice of locally distinctive materials will mean that the buildings would have no detrimental impact as regards scale, form or character, with some harm from the visual presence of additional built form.

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

f) Highways

7.35 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.

7.36 There is 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, 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.

7.37 Concern has 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.

7.38 In this respect, 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.”*

DCL/21/46

7.39 For this proposal, it is considered that the increase in demand for parking is unlikely to result in any significant 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. The impact upon the surrounding road network and the amenity of residents is considered unlikely to be as 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

7.40 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 Lympne 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

7.41 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.

7.42 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

7.43 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

DCL/21/46

7.44 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

7.45 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 (20/0747/FH)

8.1 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)

8.1 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.

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).

DCL/21/46

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:

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 Site Block & Location Plan K.A.E / 20/109 Rev. B
Proposed Elevations K.A.E / 020 / 110 Rev. C
Proposed Plans K.A.E / 20 / 111 Rev. D

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.

DCL/21/46

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 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.

DCL/21/46

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 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 Site Block & Location Plan K.A.E / 20/109 Rev. B

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

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

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.

DCL/21/46

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 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

DCL/21/46

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.

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.

DCL/21/46

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.

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.