

**Applications delegated to Director of Planning,
Housing & Environmental Health to determine**

TM/20/00404/FL

Location: The Cock Horse Inn London Road Hildenborough Tonbridge Kent TN11 8NH

Proposal: Erection of 3 bedroom house (Class C3: Residential Use), plus car parking, access and hard & soft landscaping works

Target Date: 15 April 2020

EOT Target Date: 15 July 2020

1. Description of Proposal:

1.1 Planning permission is sought for the erection of a detached dwelling with associated parking and landscaping.

2. The Site:

2.1 The site is the former car park of the adjacent Cock Horse Inn, fronting London Road. It is split across two levels with the area adjacent to the road on a higher elevation, and the back area of the car park to the rear sitting below. A retaining wall holds the bank separating them, and the car park also contains associated fencing, lightning and other paraphernalia. Trees sit within part of the bank closest to the adjacent dwelling.

2.2 The site lies outside of the settlement confines within the Green Belt. There are no other relevant designations. Although there is some sporadic development nearby and the adjacent main road, the area still retains a rural character.

3. Planning History (relevant):

TM/49/10142/OLD grant with conditions 8 June 1949

Use of stables as commercial garage.

TM/55/10137/OLD grant with conditions 28 June 1955

Proposed Gents Lavatory Accommodation.

TM/75/10278/OLD grant with conditions 28 October 1975

Overhead Line.

TM/86/10523/FUL grant with conditions 8 December 1986

Extensions and alterations.

TM/86/11192/FUL grant with conditions 12 February 1986

Single storey extension at rear together with internal alterations.

TM/90/11117/FUL grant with conditions 23 January 1990

New car park for 13 No. cars and garage.

TM/20/00516/FL Approved 30 June 2020

Change of use/conversion/extension of Cock Horse Public House (Class A4: Drinking Establishment) to a pair of semi-detached houses (Class C3: Residential Use), plus hard and soft landscaping works

4. Consultees:

- 4.1 PC: Does the new dwelling meet the requirements of the NPF section 145? We are concerned as this is in Green Belt. Is it in keeping with this historic building built in 1502?
- 4.2 KCC (Highways): Thank you for confirming that conversion of the public house to semi-detached houses has been approved under TM/20/00516/FL. I write to confirm I have no objection to this application subject to conditions.
- 4.3 Neighbours: two objections received on the following summarised grounds:
- Object to loss of parking
 - Parking area had been used by residents with consent of landlord
 - Where will current owners park
 - No parking area for deliveries if approved
 - Query front of site highways or Council land
- 4.4 TMBC Environmental Health: I've looked at this and am satisfied that suitable glazing can control internal noise levels with windows closed. However they do

not propose any glazing so this would need to be controlled by condition to ensure internal levels in line with BS8233.

- 4.5 A couple of other points, Hann Tucker seem to suggest that opening windows to allow purge ventilation would only be short term thing and so does not matter in terms of the effects on internal noise. I disagree entirely and do not think that it is right residents should have to rely on trickle vents for ventilation if they want to keep windows closed to control noise. I would wish to see suitable mechanical ventilation to allow residents the option to keep windows closed whilst allowing purge ventilation of rooms and maintain internal noise levels in line with BS8233. Also noise levels would appear to indicate that external amenity areas would exceed the recommended 55dB but I don't think that should be suitable grounds for refusal.

5. Relevant Policies & Determining Issues:

- 5.1 The site lies outside of the settlement confines, in the Green Belt. The key considerations are therefore the impact on the Green Belt, character and appearance including the heritage value of the adjacent building and nearby trees, neighbouring amenity, protected species and parking and highways.
- 5.2 Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF). The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence (para 133 of the NPPF).
- 5.3 Paragraph 143 of the NPPF states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- 5.4 Paragraph 144 states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".
- 5.5 Paragraph 145 states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One exception however is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.6 The site is covered in hardstanding and contains retaining walls. It is therefore capable of being considered previously developed land. The key issue is therefore whether the development would have a greater impact on the openness of the Green Belt than the existing development.

- 5.7 Although the area of hardstanding is extensive, the retaining walls are the only structures on site and these are not as bulky as the proposed new dwelling, albeit it is single storey from the road and limited in footprint. Nonetheless, in comparison to the hardstanding and retaining structures, the proposal would result in a very slight further reduction in openness in comparison with the existing development. Although slight, it would nonetheless fail to comply with paragraph 145 of the NPPF. The scheme would therefore constitute inappropriate development in the Green Belt, harmful by definition, although further harm to openness is only minimal. This is because the land sits in a gap between existing buildings on a substantially developed frontage, and in the site specific context with built development on either side, this serves to further mitigate any impact on openness. Nonetheless, very substantial weight is afforded to this harm that can only outweighed by very special circumstances. This is considered later in the report.
- 5.8 In terms of character and appearance, this must be considered both in terms of the effect on the wider street scene and also the impact on the setting of the former pub building, a non-designated heritage asset. The existing car park is now no longer required to serve the pub, with permission recently granted under reference TM/20/00516/FL for its conversion to residential use. Parking for that development is provided on the other side of the building, and this large car parking area is now surplus to requirements.
- 5.9 Such an expanse of hardstanding with no required purpose is considered to have a detrimental impact on the character and appearance of the area. Without any further maintenance as part of the pub's upkeep it is likely to fall into further disrepair and neglect or attract undesirable uses such as continued extensive vehicle parking. It contrasts negatively with the otherwise rural surroundings.
- 5.10 The proposed development would see all existing hardstanding on the site removed, along with the retaining wall structure. The new dwelling would be modest in size and scale, and with increased landscaping and planting, result in a beneficial position to the character and appearance of the area. The large area of hardstanding would be restored primarily to wildflower landscaped areas and new tree planting with the rest set aside for the garden area of the new dwelling. Given that so much of the site would be restored instead of remaining as hardstanding, it is considered that in the circumstances of this case the benefits to the character of the area exceed policy expectations and carry significant weight in favour of the scheme. The scheme more than meets the requirements of policy CP24 of the TMBCS and SQ1 of the MDEDPD.
- 5.11 Furthermore, as set out in the accompanying heritage statement the site was previously occupied by the stables of the pub when it was in use as a coach house. The historic street scene and setting of the building including ancillary outbuildings like the stables and this was evidence of its use as a coaching house on an important highway between the towns of Sevenoaks and Tonbridge. The

demolition of the stables buildings and replacement with the car park has diminished this setting and the original context in which the host building would be viewed. There is a noticeable gap in the line of buildings that front London Road as a result.

- 5.12 Through the clever design of the proposed dwelling, which would be viewed as single storey from the front, the development would restore the historic street scene by recreating a resemblance of the stable building that once stood on the site. The design would respect and positively enhance the setting of the adjacent pub and coach house, allowing it to be viewed as it would have been previously in the context of supporting outbuildings and stables.
- 5.13 Paragraph 192 of the NPPF explains that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 further adds that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 5.14 Although the pub is a non-designated heritage asset, it nonetheless has important local significance, and the relevant sections of the NPPF concern heritage assets are still applicable as they include both designated and non-designated assets. In the facts and circumstances of this case it is considered that whilst the building is only of local significance, the development has a demonstrably positive impact on the setting of the building, through the removal of the car park and hardstanding, and replacement with the recreation of the former stables building. In accordance with paragraph 193 of the NPPF great weight is afforded to the scheme for the positive impact on the asset's setting. It should be noted that this is directly as a result of the careful design to reflect the former stable buildings, and a more conventional designed dwelling would not be considered to have the same heritage benefits.
- 5.15 In other matters a small tree is to be removed to facilitate development but this is grade category C. The Council's Tree officer is satisfied that its removal is acceptable and compensatory planting can be provided as part of any landscaping scheme.
- 5.16 The site is detached from neighbouring properties and would not result in any overshadowing or overbearing effects, or loss of privacy, including to the consented residential conversion of the pub.
- 5.17 A submitted ecology survey covering both sites has been provided, confirming that protected species are likely to be present only in the roof space of the adjacent pub and the sole Ash Tree (BP1) which is to be removed. Prior to its removal a further survey must check if bats have subsequently occupied the tree and provide suitable mitigation measures if necessary. Subject to this no harm would result from the redevelopment of this site, and compensatory wildflower planting can

have some positive impact on biodiversity over the existing hardstanding covered site. This would accord with policy NE3 of the MDEDPD.

- 5.18 Parking for two cars would be set out in accordance with the Council's adopted standards. KCC as Highways Authority have confirmed no objection on highways safety grounds and therefore no objections are raised under policy SQ8.
- 5.19 In terms of noise, the Council's environmental health officer is satisfied on balance that mitigation measures can be provided to ensure acceptable internal noise levels. Details of this must be secured by condition and reviewed by the Council prior to installation. This would comply with policy SQ6 of the MDEDPD.
- 5.20 Overall the development would represent inappropriate development in the Green Belt, harmful by definition, to which substantial weight must be afforded against the scheme. This can only be outweighed by very special circumstances that clearly outweigh the harm to Green Belt plus any other harm. However, the effect on openness would only be slight in comparison to the existing development.
- 5.21 On the other hand, the scheme would restore a large expanse of hardstanding and remove existing retaining wall structures. It would ensure the permanent restoration of the land that would otherwise remain in situ, and would be likely to attract other undesirable uses such as extensive vehicle parking that would be further harmful to the Green Belt and its openness. Additionally, the development would exceed policy expectations by turning over much of the site to restored wildlife planting, greatly improving the character and appearance of the area. Finally, it would restore the original historic street scene and context of the adjacent coaching house, an important local non-designated heritage asset.
- 5.22 Drawing these factors together, the benefits of restoring the land and preventing alternative undesirable uses or continued vehicle parking attracts modest weight in favour of the scheme. In exceeding policy requirements for improving the character and appearance of the area with a great increase in landscaping and removal of large amounts of hardstanding and retaining walls, significant weight is afforded in favour of the scheme. The development also attracts great weight for the restoration of the historic streetscene and setting of the coaching house. It would be policy compliant in all other respects with no further harm identified. Taken cumulatively, in the facts and circumstances of this case, it is considered that these collectively amount to the very special circumstances needed to clearly outweigh the harm to the Green Belt by reason of its definitional inappropriateness and very slight harm to openness.

6. Recommendation:

- 6.1 **Approved** in accordance with the following submitted details:

Ecological Assessment received 03.03.2020, Other Heritage Statement received 03.03.2020, Site Plan P05 received 19.02.2020, Site Plan P51

Proposed received 19.02.2020, Proposed Plans and Elevations P52 received 19.02.2020, Proposed Plans and Elevations P53 Refuse and Cycle Store received 19.02.2020, Location Plan P50 received 19.02.2020, Ecological Assessment received 19.02.2020, Design and Access Statement P55 received 19.02.2020, Planning Statement SM/1 received 19.02.2020, Location Plan 01 A received 01.05.2020, Location Plan P 50 received 01.05.2020, Site Plan P 51 A Proposed received 01.05.2020, Noise Assessment received 11.06.2020, /subject to the following:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No above ground development shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 3 The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 4 Before the development hereby approved is occupied a detailed scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C or D, of Part 1; of Schedule 2 of that Order.

Reason: To prevent overdevelopment of the site and preserve the character of the area and the adjacent non-designated heritage asset.

- 6 No development shall commence until further surveys and any required mitigation measures in accordance with the recommendations in the submitted Ecology Survey dated February 2020 reference 8647.EcoAs.vf have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with their recommendations and all required mitigation measures.

Reason: to ensure the development proceeds with regard to protected species and provides a net gain to biodiversity.

- 7 Before the development hereby approved is occupied full details of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details should consider the levels cited in BS8233:2014 and how these will be achieved, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

Reason: To safeguard future occupants from unacceptable noise impacts.

- 8 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Officer Delegated Report

Signed AM (ES)
Adem Mehmet

Endorsed By Matthew Broome (electronic signature)

Dated 13.7.2020