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CHARTERED SURVEYORS & CHARTERED TOWN PLANNERS

SHEPHERD NEAME LTD

**FORMER COCK HORSE PH,
LONDON ROAD, HILDENBOROUGH,
TONBRIDGE, KENT TN11 8NH**

**FULL PLANNING APPLICATION FOR THE CHANGE OF USE / PART DEMOLITION / EXTENSION /
CONVERSION OF CLASS A4: DRINKING ESTABLISHMENT USE TO CLASS C3: RESIDENTIAL USE TO
PROVIDE A PAIR OF SEMI-DETACHED HOUSES, REAR CAR PARKING AND HARD AND SOFT
LANDSCAPING WORKS**

SUPPORTING PLANNING STATEMENT

**DATE: FEBRUARY, 2019
REF: SM/1**

1. INTRODUCTION

1. We are formally instructed by Shepherd Neame Ltd to submit a full planning application for the change of use; part demolition of more recent structures; rear extension; and conversion of the Cock Horse PH (vacant) into a pair of semi-detached houses (3 & 2 bed), plus 4 car parking spaces to the rear (via existing access) and hard and soft landscaping works. The preparation and submission of the proposals to convert the Public House in to a pair of semis follows pre-application advice received from the TMBC in July 2019 (TM/19/01488/FINF).

2. The proposals to convert the Public House arise as a result of Shepherd Neame Ltd no longer being able to run the premises as a commercially viable concern. Since the brewery's acquisition of the Public House in the 1970's from Whitbread (over 40 years ago), trade has been in steady decline. Factors include the opening of the A21 bypass taking passing trade away from the main London Road; the smoking ban; and a significant fall in wet trade sales as a result of tougher laws relating to drink / driving; the selling of cheap alcohol in the supermarkets; and the increased popularity of social media as a means of staying in contact with family and friends. As such, only those pubs at the heart of towns and villages, or destination places in their own right, with the capacity to provide an extensive food offering, are capable of surviving in today's fiercely competitive market. In support of this position, Shepherd Neame Ltd has produced a detailed commercial viability statement which confirms that the Cock Horse PH is no longer viable as an operational use. The pub has been vacant and boarded up since November 2019.

3. In view of the age of the Cock Horse PH, dating back to the 19th century, the conversion and extension of the original building has been treated in a sensitive manner so as to protect its external appearance from the road side. The removal of more recent extensions and extensive decking area to the rear of the public house, and the building of a new single storey extension, will serve to improve the external appearance of the building (rear) without impacting on the openness of the Green Belt, whilst providing a fully functional layout for residential use. Significant opportunity now exists to improve the area surrounding the Public House by the removal of tarmacadam, hardstanding areas and the replacement of frontage car parking space to the rear (via the existing access way and on land currently used for car parking).

4. The preparation of the development proposals has involved input from the following sub consultants:

- CDP Architects – Preparation of drawings for the building’s conversion and extension;
- Heritage Collective – Preparation of a detailed heritage impact assessment;
- Ecology Solutions – Habitat 1 & 2 survey relating to the curtilage of the public house, taking into account the nearby ancient woodland;
- ANS – Topographical Survey;
- Keystone – Structural Survey.

2. SITE AND SURROUNDING AREA

5. The Cock Horse PH is an attractive, C19th Public House which fronts onto the old London Road between Sevenoaks and Tonbridge (Site area – 01ha). It has an unusual double pitch roof profile which makes it a building of architectural interest within the local area. At one time, old plans reveal that brick built / slate roof stables associated once stretched across the whole of the site's frontage (NB: Part of stables retained adjoining the pub's northern elevation). Post grant of planning permission in the 1990's this land was redeveloped for use as a pub car park (13 spaces).

6. The Cock Horse PH is arranged over 3 floors, plus separate basement cellar area (operational) (Original floor area of pub – 313 sq m GEA / 262 sq m GIA excluding basement cellar; post 1949 additions = front toilet extension (former stables) – 16 sq m GEA / 11 sq m GIA; rear toilet extension – 11 sq m GEA / 8 sq m GIA; kitchen extension – 30 sq m GEA / 22 sq m GIA). The main entrance is via a single modern, glass window pane, wooden door to the front (through a more recent small porch extension). This leads into a large, open plan bar area with French doors leading out onto an extremely large, 2 tier, wooden decking area with seating and tables for patrons (138 sq m GEA) (NB: To compensate for the steep drop in the land). Apart from a feature fireplace at one end of the bar, there are no other internal features worthy of protection. Access to the lower ground floor fitted pub kitchen area is via a flight of stairs from the rear of the bar area. At the northern end of the main bar area are toilets which were built post receipt of planning permission in 1986 (TM/86/11192/FUL).

7. On the first floor is the landlord's accommodation comprising 4 double bedrooms, office, lounge, WC and bathroom. Apart from one of the rooms which has wooden beams, none of the other rooms have any features of historic or architectural merit. The internal layout would need to be altered to provide suitable accommodation for residential use. The top floor (within the roof space) is currently accessed via a narrow flight of wooden stairs, comprises a series of interconnecting rooms.

8. To the front of the Cock Horse PH are 6 marked car parking spaces. On the south side of the Public House is a road access to the rear where there is an additional gravel surface area used for car parking. This land has extant planning permission for a large, double garage under the planning permission for the car park in 1990 (TM/90/11117/FUL). On the north side of the pub is a purpose built, tarmacadam car park on two levels, where the front part of the car park used to comprise a

long linear stable block, garage and refuse area stretching across the whole of the main road frontage. To the rear of the car park is grassland.

9. The Cock Horse PH is located in a small settlement of 10 houses on the west side of the London Road including Nos.1, 2, 3 & 4 Old Cock Cottages and George's Villas (Nos. 7 & 8 London Road) in which the Cock Horse PH counts as Nos. 5 to 6 London Road. The houses to the south date from roughly the same time as the Public House and were built as workers cottages when it operated as an important stopping place / stables on what was then a turnpike road running from London to Tunbridge Wells and beyond. Beyond this small settlement fronting the main road is open countryside with the outskirts of Hildenborough / Tonbridge located approximately one mile to the south. The busy A21 dual carriageway is located approximately 500 metres to the west (in which noise from the road is clearly audible).

10. There is a good range of public houses and cafes within the locality providing destination points for customers such as the Teal Café to the north (close to the London Road / A21 road junction for passing trade); the White Rock Inn in the village of 'Underiver' which provides a significant food offering; The Flying Dutchman PH, Hildenborough; and various other pubs and cafes along Tonbridge and Sevenoaks High Streets.

11. In Summary, the Cock Horse PH represents an attractive, old building along the main London Road frontage which has lost its attraction for passing trade (including as a destination point for customers). The size and proportions of the building do, however, mean that it would convert relatively easily into a pair of semi-detached houses (2 & 3 bed) with car parking to the rear. Improvements would be made to the setting of the Public House by the replacement of frontage car parking to the rear and the removal of tarmacadam, hard surface areas.

3. DEVELOPMENT PROPOSALS

12. The Cock Horse PH makes a suitable conversion for residential use. In view of the size of the building, market advice has been to convert the building into a pair of semi-detached houses. The internal and external configuration means that the pair of semis comprises 1 x 2 bed and 1 x 3 bed houses. The total floor area of Unit 1 is 140 sq m GEA / 111 sq m GIA excluding basement cellar and second floor attic space. The total floor area of Unit 2 is 182 sq m GEA / 176 sq m GIA excluding basement cellar and attic space.

13. In accordance with Pre-Application advice a very sensitive approach has been adopted by CDP Architects in looking to convert the former pub use into 2 houses. This has meant that the front of building has been left completely intact, including interesting roof profile and side elevations. The main change relates to the removal of the 2-tier wooden decking (138 sq m) on the rear of the building which spans across 2 floors. This is a large, ugly structure which is out-of-scale with the rest of the building (NB: Also demolished are external store to kitchen – 5.7 sq m and garden storey – 3.4 sq m). In its place, a small, modern, flat roof, rear extension (XXX GEA / GIA) has been provided to increase the size of the ground floor area of housing Unit 2. It sits within the existing building envelope, not exceeding the furthest extent of the existing building to the rear (in contrast to the existing 2 tier decking area which sticks outwards from the rear of the pub by 16 metres). Small decking areas are provided for each housing unit to compensate for the slope in the land (3 & 4 metres depth).

14. The pub's existing internal configuration allows for ground and first floor accommodation, with partly reconfigured room sizes and new stairwells. The existing second floor accommodation would need to become attic space to comply with relevant building regulations. Similarly, the existing basement cellar area (with head height) would be subdivided for storage use with access into the garden. Each property would be fitted with triple X glazing and mechanical ventilation to screen out any noise and disturbance from the main road – albeit the road is relatively lightly trafficked throughout the day and night time.

15. Existing car parking to the front of the pub will be replaced with new hard and soft landscaping (granite setts; planters; low hedging) to create an attractive setting to the pub's front elevation. Existing car parking to the rear of the pub will be retained as car parking for the housing proposals (4 spaces) with vehicular access via the existing roadway between the Pub building and No.4 London

Road. A refuse bin holding area would be located on the building's main road frontage. The rear garden area would provide an attractive amenity space for both properties with existing trees and shrubs – total length exceeding 8 metres. There are no direct views of the rear of the existing building from the countryside to the west or from adjoining residential properties to the north or south.

16. On balance, it is evident that the former Cock Horse PH can be readily converted into an attractive pair of semi-detached houses with minimum external or internal alteration. The proposed rear extension would be of benefit to the building's external appearance (west elevation) but would not be seen from the main road or any other public vantage points.

4. PLANNING POLICY CONEXT

17. The development plan context for the site is set out in the Adopted Core Strategy, September 2007; Adopted Managing Development and the Environment DPD, April 2010; the Regulation 22 Submission draft Local Plan, January 2019; and the NPPF, February 2019 as a relevant material consideration of significant material weight. The site is not identified on any Proposals Map for any specific use or allocation, but is located within the Green Belt. The Cock Horse PH is not listed but is considered by TMBC to be a 'non-designated' heritage asset. As a Class A4: Drinking Establishment, TWBC has previously confirmed that it should be treated as a 'community service'. The whole of the site's curtilage constitutes 'Previously Developed Land' (PDL).

(i) National Planning Policy Context

18. On the basis that TMBC is not meeting its 5 YHLS needs (**3years supply** – OAN 854dpa Standardised Methodology, 2014 based Household Projections), there exists within the Borough a presumption in favour of sustainable development unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits (NPPF – Para 11d). (NB: Whilst it evident that the '*tilted balance*' does not apply given the site's location within the Green Belt (NPPF Footnote 6), it remains the case that the provision of additional housing within the Borough on windfall sites constitutes an important public benefit of material weight. This is relevant in terms of national and local policy for the conversion / extension of existing buildings in the Green Belt).

19. In terms of Green Belt policy, it is the case that NPPF 145 Para d) would support as a Green Belt 'exception' '*the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building*' and g) would support the '*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*'. NPPF Para 146 also states that the re-use of buildings in the Green Belt are not 'inappropriate' development provided they are permanent and substantial construction'.

20. With respect to the material weight to be applied to the protection of a 'non-designated' heritage asset, NPPF Para 197 states that '*In weighing applications that directly or indirectly affect*

non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

(ii) Local Policy

21. The Adopted Core Strategy, September 2007 confirms that national policy is applied to Green Belt sites.

22. In terms of 'countryside development', Policy CP14 states that this will be restricted to b) *the one-for-one replacement or appropriate extension, of an existing dwelling, or conversion for an existing building for residential use'*. In addition, the Adopted Managing Development and the Environment DPD, April 2010 relating to the re-use of rural buildings states that in the case of buildings of architectural or historic interest, the conversion should not be *'detrimental to the architectural or historic character of the building, including any archaeological or technological interest it may have, its group value with any other historic buildings or its setting'* and that permission will not be granted where *'the scale and nature of the proposed residential curtilage around the building, particularly in respect of domestic paraphernalia, results in an adverse impact on the rural character or appearance of the countryside'*.

23. With respect to 'Community Services' (in which Public Houses are not specifically referred to as such in the Adopted Core Strategy, 2007 Para 6.4.12, albeit raised as a material consideration in Pre-Application advice) Policy CP26 states that *'Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services will only be permitted if... c) 'the applicant has proved, to the satisfaction of the Council that for the foreseeable future there is likely to be an absence of need or adequate support for the facility'*.

24. In terms of emergent draft policy set out in the Regulation 22 Submission: Local Plan, January 2019 (which carries increased material weight given that it is at the late stage of its preparation and is consistent with the NPPF), Policy LP5: Settlement Hierarchy, Criteria 5 a, b and c relating to 'Development in Rural Areas' states that outside the confines of 'Other Rural Settlements' development will be restricted to:

- a. *Limited infilling development where it does not erode the identity of settlements or harm the setting or character of a settlement;*

- b. The one-for-one replacement, or appropriate extension, of an existing building provided it would be proportionate to the size of the existing building; or*
- c. The Conversion or change of use of an existing building;'*

25. With respect to development in the Green Belt, Policy LP5 confirms that it will need to meet the requirements of Policy LP11 which, in turn, states that the Council will apply the relevant policy in the NPPF. (NB: Whilst TMBC does not have a Green Belt policy relating to the size of any extension, the general principle applied is that any extension should be less than 50% of the building's pre-1949 floor area (GEA) so long as this is proportionate to the size of the existing building. This is a policy approach adopted in the neighbouring authority of Sevenoaks DC).

26. In summary, there is broad policy support for the conversion and limited extension of the former Public House to residential use subject to this not having a negative impact on the character and appearance of a 'non-designated' heritage impact; not impacting on the openness of the Green Belt; and demonstrating that the former Class A4: Drinking Establishment use is no longer a commercially viable use for the building.

4. MAIN PLANNING CONSIDERATIONS

27. The main planning considerations in this case relate to:

1. The shortfall in housing land supply within the Borough;
2. The loss of a Class A4: Drinking Establishment use as a 'quasi' Community Service within the rural area;
3. The limited impact that the conversion / extension of the building for residential use would have on a 'non designated heritage asset';
4. The limited impact that the extension of the building would have on the 'openness' of the Green Belt;
5. Other relevant development control and design considerations relating to noise; car parking; trees; and ecology.

1. Housing Land Supply

28. TMBC only currently has 3 years housing land supply which is significantly below the Council's statutory requirement to maintain a 5 YHLS. Whilst the provision of 2 family sized housing units with large rear gardens and off road car parking would represent a modest addition to the Council's housing land supply figures, it is the case that the development of available 'windfall' sites within the Borough, like the former Cock Horse PH, can, over the lifespan of the Local Plan, make an important addition to TMBC's total housing land supply and the urgent need to provide more housing within the next 5 years. As such, the material weight to be applied to a 'windfall' housing proposal is significant, which, in this case, supports the case for the conversion / limited extension of a building in the Green Belt; loss of pub use; and the proposed works to a non-designated heritage asset – see below.

2. Loss of a Community Service Use

29. Following notification in August 2019 that the Cock Horse PH had been nominated as an Asset of Community Value (ACV) and that it had subsequently been added to TMBC's list of Assets, Shepherd Neame prepared a detailed Viability Study which sets out the reasons for the Public House's decline, particularly since 2014 when wet trade sales have fallen significantly below the break-even point (NB: Copy of Shepherd Neame's Viability Report has been submitted as part of the planning application submission documentation). The Public House has now been removed from the Council's ACV list.

30. The report explains that the factors that have led to the pub's decline include its location (now on a B class road) with very little walk-in trade (in which the construction of the A21 bypass has resulted in a significant loss of passing trade – cars, coaches, vans); the inability to improve the economies of scale due to the small dining-room area (max. 30 covers); fierce competition from more superior pub outlets within the local area; increase in the sale of cheap alcohol in the supermarkets (which now exceeds wet trade sales nationwide); and the smoking ban. As a consequence of this, there has been a rapid succession of tenants trying to make ago of the pub in recent years, but without success. The report confirms that, after allowing for deductions in rent, the tenant's share of profits is around £11k per annum. As such, the Cock Horse PH is now permanently closed and boarded up due to lack of viability and it will not reopen as a pub.

31. For this reason, Shepherd Neame is very keen to dispose of the property for residential use in order to reinvest in those pubs across the South East region where profitability levels are higher. Clearly, this does not represent a speculative proposal since the Public House has been in Shepherd Neame's ownership since the 1970's. Shepherd Neame do, nevertheless, wish to optimise the value of its property assets when no longer viable for pub use.

3. Impact of the proposals on a non-designated community asset

32. The Cock Horse PH is believed to date back to the 19th century at which time there used to be a row of stables across the whole of pub frontage area (part demolished in the 1950's / redeveloped for car park use in the 1980's). The building is not statutory or locally listed; does not fall within the setting of an existing listed building; and is not within or on the edge of a Conservation Area. The age of building, plus its aesthetic appearance, means that it does fall to be determined as a 'non

designated' heritage asset. For this reason, a heritage impact assessment has been prepared by the 'Heritage Collective' in support of the planning application proposals for the pub's conversion into a pair of semi-detached houses. Input from the Heritage Collective has also guided the design process from the outset.

33. In converting the Public House into a pair of semis, it can be seen that the front and sides of the building, including roof profile, will remain largely unaltered from the road side. As with many buildings of this era, the rear of the building comprises more of an eclectic mix of rear additions / roof profiles, where it is proposed to remove the extensive wooden decking area and replace this with a sensitive, low key, high quality, modern single storey extension and small decking area. This will serve to greatly improve the appearance of the building's rear façade (not visible from the main road) whilst not detracting from the front or sides of the building.

34. Further tangible benefits include the replacement of unsightly, hard tarmac areas currently used for car parking to the front of the Public House with new hard and soft landscape works, including new granite insets, and restricting this area for pedestrian use only. Car parking would be to the rear of the building on land currently used for this purpose – circa 4 spaces.

4. Impact on the openness of the Green Belt

35. As an existing building within the Green Belt, on previously developed land, it is evident that the pub's conversion to a pair of semi-detached houses would not result in a greater physical impact on the 'openness' of the Green Belt. Indeed, the reduction in pedestrian and vehicular numbers / activity levels which would arise as a result of the pub's conversion to residential use would have a beneficial effect on the 'openness' of the Green Belt.

36. In terms of the limited extension (single storey) of the building to the rear (within the building's development curtilage / envelope), it is evident that this addition would not extend the building beyond the outer limits set by the existing 2 tier, wooden decking area (to be demolished). In this regard, the proposed extension (XXX sq m GEA) represents an increase in the building's total floor area (GEA) of XXX% (NB: Original building – XXX sq m GEA; Post 1949 additions – XXX sq m GEA; Total existing floor area – XXX sq m GEA). A small decking area has been provided to the rear of each unit to compensate for the fall in land levels (XXX sq m GEA)

37. When viewed from the rear, the overall effect of the proposals will be to create a building that is more coherent / less chaotic in appearance. Clearly, the proposals will be proportionate to the scale, height and massing of the existing building. As such, they will have 'minimal' impact on the openness of the Green Belt.

5. Other development considerations

38. The additional planning considerations which have been addressed by the development proposals are:

- (i) Noise – In light of the fact that the proposals face the main road, advice has been taken from Hann Tucker in terms of how best to mitigate against road traffic noise. Their noise survey work has confirmed the need to provide triple x glazing behind front and side habitable room windows and provide mechanical ventilation for use in the summer months. The rear garden area is insulated against road traffic noise by the presence of the building, although further consideration could be given to the provision of close boarded fencing along the property's side boundaries (if necessary);
- (ii) Ecology – A Habitat 1 & 2 ecology survey has not identified any protected species pertaining to the site, although the close proximity of the car park area to an area of ancient woodland to the rear of the site (as identified on the Proposals Map) means that a large part of this area should be retained as a buffer area for the ancient woodland area (a radius of 20 meters);
- (iii) Trees – There are no mature trees affecting the development of the site;
- (iv) Car Parking – It is proposed to relocate existing frontage car parking to the rear of the former Public House on land currently used for car parking to provide a total of 4 car parking spaces. Importantly the loss of pub car parking represents an important net tangible benefit in terms of improved highway safety and potential disturbance to neighbours (Nos. 7 London Road), in which the proposals would be a low traffic generator;

- (v) Sewer Pipeline – A sewer pipe runs along the lower, rear area of the site in a north-south direction. This is not affected by the development proposals;

- (vi) Sustainability – The proposed conversion of the Public House would result in the reuse of an existing building which is highly suitable for conversion into residential use. The property is located on a main road bus route; 1 mile from the main London to Hastings railway station at Hildenborough; and a mile from Tonbridge main shopping centre. There is a pavement along the far side (east) of the main road.

6. PLANNING BALANCE

39. This is a case where the public benefit of providing 2 new family sized dwellings needs to weighed against the loss of pub use as a community service; the impact of the proposals on a 'non-designated' heritage asset; and the impact of the proposals on the 'openness' of the Green Belt.

40. On the basis that the proposed conversion / limited extension of the existing building would have a 'minimal' impact on the openness of the Green Belt (in which this is more than compensated for the loss of the 2 tier decking area and the reduction in pedestrian and vehicular movements associated with the former pub use); and that these improvement works to the rear would not alter the character and appearance of the building from the main road; and that it has been demonstrated that the pub is no longer viable to run as a drinking establishment (in which a former ACV listing has been successfully challenged), it is evident that a strong case exists for supporting the current planning application proposals for residential use.

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