



staircase. It will be necessary to breach the eaves line on the eastern elevation through the construction of a small ridged roof above the door. It is also proposed to clad part of the first floor with dark stained wooden weatherboarding.

- 1.5 Finally, it is proposed to erect a two storey building 11.5m to the north of the existing pub to provide 15 bedrooms of hotel accommodation and associated reception, office, storage and plant. The building would comprise two elements with gable ended roofs (ridge height of 7.4m) running broadly east-west located at either end of the building, with a two storey central section located between the end elements. The roof form of this central section comprises sloping east and west roof planes containing dormers, with a large flat roofed element located between (height of flat roof above ground of 6.8m). It has been designed in order to screen the flat roof element from view.
- 1.6 An open sided walkway is proposed between the hotel accommodation and the northern extension to the Inn (ridge height of approximately 3.8m).
- 1.7 Finally, it is proposed to provide forty car parking spaces and four disabled parking spaces within a parking arrangement located around the proposed hotel accommodation. Vehicular access would be taken from Beltring Road via the existing access located within the south east corner of the site.
- 1.8 As part of the submitted application, the applicants have put forward a case that the proposal comprises Enabling Development and that there are Very Special Circumstances (chiefly the conservation of the Listed Building) to clearly outweigh the harm caused to the openness of the MGB by reason of inappropriateness and other harm. A detailed explanation of this case is provided in the Determining Issues section of this Report.
- 1.9 The application is accompanied by an Ecological Scoping Survey (which includes the results of a full walkover survey), a Flood Risk Assessment and an Enabling Development Report. The latter assesses the development economics of the proposal, including an assessment as to whether the sole refurbishment of the public house is viable or whether a hotel development is required to cross subsidise this.

## **2. Reason for reporting to Committee:**

- 2.1 The application for planning permission represents a Departure from the Development Plan.

## **3. The Site:**

- 3.1 The application site comprises the Grade II Listed Blue Bell Inn and associated curtilage. The Listing details that the building has an eighteenth century elevation of brick ground floor with tile hung first floor, which masks an earlier framed



TM/68/10661/OLD Grant with Conditions 14 November 1968

Double sided, internally illuminated, projecting box sign, for Whitbread Ltd.

TM/68/10769/OLD Grant with Conditions 15 January 1968

Alterations and additions.

TM/85/11403/FUL Grant with Conditions 23 September 1985

Single storey extension at rear to provide additional bar area and toilets, erection of new porch, alterations to detached functions room and extension to car park and beer garden.

TM/85/11430/LBC Grant with Conditions 30 August 1985

Erection of new porch and alterations to detached function room.

TM/93/00884/LB Withdrawn 30 April 1993

Listed Building Application: internal conversion and refurbishment to form new dining area to public house. Form new bottle store/cooled cellar to oast house

TM/93/00885/FL Grant with Conditions 13 September 1993

Internal alterations to form new bar and reinstatement of window openings

TM/93/00886/LB Grant with Conditions 13 September 1993

Listed Building Application: internal alterations to form new bar and reinstatement of window openings, and internal alterations to oasthouse

TM/93/00887/RM Grant with Conditions 17 November 1993

Details submitted pursuant to conditions 02, 04, 05 and 06 of permission TM/93/0619FL - internal alterations to form new bar and reinstatement of window openings

TM/93/00888/LB Grant with Conditions 17 November 1993

Listed Building Application: details submitted pursuant to conditions 02, 04 and 05 of consent TM/93/0620LB - internal alterations to form new bar and reinstatement of window openings and internal alterations

TM/93/00889/RM Grant with Conditions 17 November 1993

Details of works for the demolition of the wall between the servery and bar area including the retention of all structural timbers pursuant to condition 5 of permission TM/93/0619/FL.

TM/93/00890/LB Grant with Conditions 17 November 1993

Listed Building Application: details of works for the demolition of the wall between the servery and bar area including the retention of all structural timbers pursuant to Condition 5 of consent TM/93/0620/LB

TM/94/00917/LB Grant with Conditions 23 December 1994

Listed Building Application for removal of servery

TM/97/00096/FL Grant with Conditions 15 May 1997

Entrance porch to rear of public house, new site access, parking, fences, landscaping, cctv and lamp posts

TM/97/00097/LB Grant with Conditions 15 May 1997

Listed Building Application: Entrance porch, to rear of public house, new site access, parking, fences, landscaping, cctv and lamp posts

TM/97/00985/RD Grant 8 August 1997

Details of landscaping submitted pursuant to condition 4 of TM/97/00096FL: entrance porch to rear of P.H., car park to rear of site (to replace car park to front) new access, fencing, landscaping, and convert existing car park to garden

TM/97/01004/RD Grant 10 September 1997

Details of lamp post submitted pursuant to condition 8 of TM/96/00096FL: entrance porch to rear of P.H., car park to rear of site (to replace car park to front) new site access, fencing & landscaping and convert existing car park to garden

TM/97/01005/RD Application Withdrawn 23 July 1997

Details of CCTV submitted pursuant to condition 9 of TM/97/00096FL: entrance porch to rear of P.H., car park to rear of site (to replace car park to front) new site access, fencing & landscaping and convert existing car park to garden

TM/00/02933/FL Grant With Conditions 12 March 2001

Change of use and minor development of function room building to A3 licensed restaurant

TM/00/02937/LB      Grant With Conditions      12 March 2001

Listed Building Consent: change of use and minor development of function room building to A3 licensed restaurant

TM/05/02199/LB      Application Withdrawn      7 September 2005

Listed Building Application: Replacement of window sashes to chefs room and office; replacement of door to bar with repairs to frame

## **5. Consultees:**

- 5.1 East Peckham Parish Council: No objection to either application. The PC subsequently stated: "the PC has become aware of some inconsistencies in the flood risk data which was provided by the applicant as part of the application process. In 1968 the flood levels were 13.8m in what was a 1 in 75 year event. The flood data provided with the application refers to sleeping accommodation at a height of 13.6m and flood data in respect of a 1 in 100 year event. This naturally causes the PC some concern. Whilst the PC has no objection to the planning application as submitted, I would be grateful if this concern could be appended to the PC's comments".
- 5.2 English Heritage: This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 5.3 Society for the Protection of Ancient Buildings: The application is for some demolition and reordering of the listed buildings and the demolition and rebuilding of the curtilage buildings. The application does not appear to include the listing details or a Design and Access Statement. It is therefore difficult to comment on the effect of the proposal upon the listed building. A schedule of work might still be agreed before work commences. The first floor of the oast house is to be converted for residential use. Where possible the fabric of the building should be retained in its current form. The setting of the historic building may be affected by the proposed annex. The relationship between the two buildings should be considered in processing the application.
- 5.4 Natural England: No comments.
- 5.5 KCC Highways: No objections to the proposals in respect of highway matters subject to the imposition of conditions regarding operative and construction vehicle parking/off-loading/turning, details of discharge of surface water, prevention of deposition of mud during construction process and retention of parking and turning space: the access to the site remains unchanged, the public house already generates a significant number of vehicular movements on a daily basis, therefore the impact of the proposals would have a minimal effect on highway safety.

5.6 KCC Archaeology: The site of the application lies on River Terrace Gravels and these deposits have potential for early prehistoric (Palaeolithic) remains, such as stone tools. In addition, the Bell Inn is identifiable on the 1<sup>st</sup> edition Ordnance Survey map and is of historic interest. Associated outbuildings may survive on the site below the present ground level as well as medieval or post medieval remains associated with the use of the inn. On the basis of the current information, it is considered that there is potential for archaeological remains to survive on this site and it is recommended that a condition be placed on any forthcoming consent requiring the implementation of a programme of archaeological works.

5.7 Environment Agency: No objection:

- Although the site is classified as falling within a Flood Zone 3, more detailed modelling shows it lies outside the 100 year and climate change flood outline. The proposal includes setting floor levels 600mm above the design flood level and we are therefore satisfied that the risk of internal inundation would be low.
- We also agree with the Flood Risk Assessment ["FRA"] in its conclusion that the proposal will not worsen flooding elsewhere by displacing floodwater or obstructing flood flow routes, because of its location outside the 100 year flood outline.
- Beltring Road is unlikely to be passable in the design flood event, limiting access to the site. However, our modelling shows that to the north of the site, the A228 is above the 100 year and climate change flood level, and so access may be achievable by walking a short distance to this road. The flood plan should nevertheless advocate evacuation of the site on receipt of a flood warning and we recommend that the applicant prepares a flood evacuation plan to the satisfaction of the Local Authority's emergency planners.
- As the site is under 1 hectare we would expect the Local Authority, in its role as drainage authority, to ensure that the proposal does not result in an increase in surface water runoff. The FRA suggests the use of either subsurface cellular storage under the proposed car park, or a balancing pond in the adjacent car park. We would advise that a balancing pond would fulfil more of the objectives of a SuDS (sustainable urban drainage system) scheme and is also likely to result in lower maintenance costs for the applicant.

5.8 DHH:

- Environmental Protection:
  - The site is subject to high levels of traffic noise from the A228 and I am concerned to safeguard the aural amenity of staff accommodation and also patrons from road traffic noise. Although I do not consider this a situation where the criteria relating to traffic noise and new residential development should be applied I do consider it important that a

satisfactory internal noise climate is secured. So far as the hotel's bedrooms are concerned I accept that the only practical way of mitigating road traffic noise is to provide these rooms with an appropriate scheme of noise insulation which includes acoustically screened mechanical ventilation. PPG24 advises that specific guidance on internal noise standards for different uses may be found in BS8233:1987 (now replaced by BS8233:1999) "Sound insulation and noise reduction for buildings".

- Based on this guidance I am of the opinion that the scheme of noise insulation and mechanical ventilation against external noise should be sufficient to secure the following internal noise levels:
  - § Day (07.00 – 23.00): bedrooms 40LAeq1hr; (if appropriate) living rooms 40 LAeq1hr;
  - § Night (23.00 – 07.00): bedrooms 40LAeq1hr; (if appropriate) living rooms 40 LAeq1hr.
- BS8233 provides guidance not only in relation to external noise but also to internally generated noise including that transmitted between rooms and that emitted from plant and services. I would not wish to prescribe how these sources are controlled, however the issue should be properly addressed in the detailed design of the building. Particular consideration should be given to sound insulation between bedrooms, the reduction of noise from sanitary services and the need to ensure any air conditioning system is designed so that it does not bypass any noise insulation between rooms;
- I am also concerned that noise and odour from the kitchen extractor system and other fixed plant does not cause detriment to the amenity of the area. To that end the applicant should be referred to the DEFRA "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" and in conjunction with any detailed plan for the equipment, the applicant should be required to provide a Risk Assessment on odour, as detailed in Annex C of the DEFRA Guidance.
- These details should be required as conditions, should you be minded to grant permission in the first instance.
- As demolition work is proposed an asbestos refurbishment and demolition survey is needed before any demolition work is carried out. There is a specific requirement in Control of Asbestos Regulations 2006 (Regulation 7) for all asbestos containing materials to be removed as far as reasonably practicable before major refurbishment or final demolition: see Health and Safety Executive publication HSG 264 Asbestos: The Survey Guide.



5.9 Private representations (1/0X/1R/0S) and Departure and Listed Building Press and Site Notices: A single letter of objection was received in regard to the LBC application. It objected solely on the grounds of harm to living conditions caused by the stationing of caravans. The application does not relate to any such development, and therefore no weight can be attached to this representation.

## 6. Determining Issues:

6.1 The planning policy background that needs to be taken into account in considering these applications include:

- National Planning Guidance: PPS1; PPS1 Climate Change Supplement; PPG2; PPS4; PPS5; PPS7; PPG13; PPS25; PPS25 Practice Guidance; Good Practice Guide on Planning for Tourism. Although not national planning guidance, regard has also been had to the English Heritage document Enabling Development and the Conservation of Significant Places.
- Regional Planning Policy: SEP Policies: SP5: Green Belts; CC4: Sustainable Design and Construction; NRM10: Noise; and NRM11: Development Design for Energy Efficiency and Renewable Energy. However, the Government has announced its intention to revoke the Regional Spatial Strategies, and the Courts have confirmed that this intention is a material planning consideration;
- TMBCS: CP1: Sustainable Development; CP3: Metropolitan Green Belt; CP14: Development in the Countryside; CP24: Achieving a High Quality Environment.

6.2 MDE DPD: NE3: Impact of Development on Biodiversity; SQ1: Landscape and Townscape Protection and Enhancement; SQ6: Noise; SQ8 Road Safety; DC5: Tourism and Leisure in Rural Areas.

### Green Belt and Enabling Development

6.3 The site lies in the MGB. The proposed erection of the new hotel accommodation together with the extension to the Inn itself do not fall within one of the categories of development specified within paragraph 3.4 of PPG2 as being appropriate in the MGB. Accordingly, the proposal is considered to be inappropriate development which will *by definition* be harmful to the MGB.

6.4 In addition to harm caused by inappropriateness, other potential harm must be considered including the impact on openness and the visual amenity of the MGB.

6.5 It is considered that the erection of a two storey building of 550 sq m floor area, roof heights of 6.8 – 7.4m and eaves heights of 2.5 – 3.7m and a maximum of 16.4m depth and 25m width will impact on the openness of the MGB through the introduction of a building within part of a relatively open application site where presently there is no built form. Whilst it is accepted that there was formerly a

function room/café on the site which was subject to fire, this building has been cleared and there is no presumption that a replacement building would be granted consent.

- 6.6 The proposed increase in the form of the Inn itself will also have some very limited impact on the openness of the MGB, albeit to a far lesser extent than the hotel accommodation.
- 6.7 Notwithstanding the above conclusions regarding the effect on the openness of the MGB, the design of the proposed hotel accommodation has sought to reduce the overall bulk of the building through the location of the first floor rooms within the roof area (with rooms to be lit by dormers, windows within gable ends and rooflights).
- 6.8 It is therefore necessary to consider whether very special circumstances ["VSC"] exist which clearly outweigh the harm caused to the openness of the MGB by reason of inappropriateness and any other harm. Para 3.3 of PPG2 details that it is for the applicant to demonstrate why permission should be granted.
- 6.9 The applicant has put forward a case of VSCs: the Inn is presently "in a use and condition that is inherently unable to guarantee the building's future" and without the works proposed would lead to long term vacancy and risk the character and fabric of the building. Indeed, the supporting information submitted as part of the application details that the sole purpose of the applications is to secure "the preservation in perpetuity of the historic inn in its traditional use".
- 6.10 The case made by the applicants is that the works to the Listed Building itself are required in order to bring it up to an appropriate standard and layout to be utilised as a public house, that the conversion of the existing oast is required in order to enhance the on-site staff accommodation, and that the holiday accommodation is necessary in order to both enhance the "product offer" and to provide an additional revenue stream in order to supplement the income gained from the operation of the public house. In combination, it is argued that these elements will ensure the long-term viability of the commercial operation, which will in turn secure the future conservation of a heritage asset.
- 6.11 Enabling Development is defined in PPS5 as "development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, and which could not otherwise be achieved". Given the location of the site in the MGB and the inappropriate nature of the proposed development (which would normally be found unacceptable in planning terms), the proposal falls within the definition of enabling development. It is therefore necessary for the proposal to be assessed against Policy HE11 in PPS5. This details that when assessing proposals for enabling development, Local Planning Authorities should assess whether the benefits of securing the

future conservation of a heritage asset (i.e. in this case the Grade II Listed Blue Bell Inn) outweigh the dis-benefits of departing from the development plan and national planning policy.

6.12 In effect, the policy consideration is similar to, and indeed part of, the consideration as to whether the VSC (i.e. securing the future conservation of a heritage asset) clearly outweigh the harm caused to the openness of the MGB (i.e. the dis-benefits of departing from the Development Plan and national planning policy).

6.13 In considering proposals against Policy HE11 of PPS5, it is necessary to take into account a number of criteria, including:

- Whether the problems to be resolved have arisen from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the price paid;
- Whether the enabling development proposed is the only source of funding to support the heritage asset;
- Whether the continued use of the site as a public house/leisure/recreational facility is sympathetic to its conservation;
- Whether the enabling development will secure the long-term future of the heritage asset, and whether the level of development is the minimum necessary to achieve this.

6.14 As detailed in Section 1 of this report, the application is accompanied by an Enabling Development Report which sets out the development economics of the proposal and details the applicant's conclusions on the viability of the proposal. An Assessment of Hotel Development Proposals report and a Viability Assessment have been undertaken by consultants appointed by the Council, in order to assess the validity of the financial case put forward by the applicants. These assessments/reports remain confidential, but their conclusions are referred to where relevant below.

6.15 In respect of the initial bullet point above, the situation is slightly unclear in respect of how the apparent problems with the site and the risk to the conservation of the heritage asset have arisen.

6.16 It is understood that the application site has had a series of different owners over the preceding decade, until it was purchased by the Punch pub estate. During this period of ownership, it had a variety of lessees: the Assessment of Hotel Proposals Report prepared for the LPA details that the operating success of the public house during this time was dependant on the motivation and standards of the lessee. The site has since been purchased by the applicants.

- 6.17 The Inn has become run-down physically, is in poor repair, has some substandard facilities and is vacant (and has been for a period of over 1 year). The property was purchased for £360,000 in March 2010: i.e. after the fire which destroyed the café to the rear of the Inn itself, and following the theft of tiles and vandalism to the property. The property has since been valued at £275,000 by the applicants (August 2010), and the LPA's consultants (December 2010 and January 2011).
- 6.18 It therefore appears that although the site may have experienced problems through under-investment and a high turn-over of operators in the past, this has been compounded by the applicants purchasing the property at too high a price relative to its apparent worth on the open market (as demonstrated by the agreed market value only 4 months post-purchase).
- 6.19 At the same time, it is also accepted by the LPA's consultants that a pub refurbishment in isolation will not result in a viable enterprise, and there is therefore little likelihood that the future conservation of the property could be ensured through the operation of the site as a commercial concern. There does not appear to be another source of funding to support the conservation of the heritage asset.
- 6.20 In respect of the third bullet point, it is considered that the use of the wider site as a public house with hotel accommodation is a purpose which is sympathetic to the conservation of the Blue Bell Inn as a heritage asset. Indeed, the Listed Building itself has been used as public house for a considerable period of time, and its continued use as such (subject to control over any further works required in association with this operation) will allow for its conservation.
- 6.21 The provision of a public house at the site is also considered to be of wider benefit. Policy CP1 (7) details that existing social, leisure and cultural facilities will be protected to meet future community needs and safeguarded for that purpose. There is no quantified assessment as to whether there is a need for a public house in this location. However, given the historic location of a public house at the site, combined with the increasing rate of closure of public houses over the last few years, it is considered that the continued use of the building as a public house will realise cultural, social and economic benefits associated with such facilities. Furthermore, the proposed additional hotel accommodation will also provide the potential for some limited job creation.
- 6.22 In terms of the fourth bullet point, the conclusions of the Council's consultants' reports are that the rental levels which the applicants anticipate being received are over-optimistic, and there are some concerns regarding the viability of the proposal: the Assessment of Hotel Development Proposals report concludes that the success of the operation is dependant on securing an experienced operator who is able to deliver a quality product and provide wide exposure to the market and securing funding for the proposal in the long-term.

- 6.23 However, if the financing and securing of an experienced operator can be achieved, then there is the potential for the site to be brought back into leisure/recreational use, which, as detailed above, is considered to be a sympathetic use which could ensure the conservation of the property. It will also not materially harm the significance of the heritage asset or its setting (explained further below), and should avoid detrimental fragmentation of the heritage asset
- 6.24 Therefore, concerns remain that the problems associated with the operation of the site as a commercial enterprise (and the consequent effect which this has had on the potential to conserve the Listed Building) have been confounded by the purchase price paid by the applicants together with the viability of the proposal. This must be balanced against the fact that there is a consensus that a refurbishment of the pub will not in isolation be sufficiently viable to ensure the future protection of the Listed Building and the risk that if the development is not granted then the site will continue to deteriorate and the heritage asset will not be conserved.
- 6.25 Overall, it is considered that significant weight should be attached to the benefits of potentially securing the future conservation of an attractive Grade II Listed Building and associated curtilage building through the provision of the minimum level of development necessary. It is also considered that weight should also be assigned to the fact that the development will have the effect of bringing a site which is presently vacant back into use, thereby generating jobs, bringing about an improvement in appearance through the removal of existing heras style fencing around the site and the provision of a more attractive and appropriate soft landscaping scheme, and a reduction in the potential for vandalism to the vacant site.
- 6.26 Overall, having regard to the attempts to limit the impact on the openness of the MGB through the design of the hotel accommodation, together with the *combined and cumulative* benefits of potentially securing the future conservation of a Listed Building (and indeed bring about an improvement in its appearance and setting) and enabling its continued use as a public house (including social, economic and cultural benefits) are, on balance, sufficient to outweigh the harm to openness caused.
- 6.27 As the proposal would be Enabling Development which would not normally be acceptable in planning terms, it is important that the proposed development is tied to the operation of the Blue Bell Inn as a public house, and that the hotel element is not sold and operated independently. Although the site layout and relationship of the buildings to one another would discourage such a fragmentation of the site, it is recommended that a condition be attached in order to require the operation of the hotel accommodation to be commercially linked to that of the public house. This objective is reflected in recommended condition 12; however I am giving further consideration to the necessary wording for this condition and will, if necessary, advise Members further on this point in a Supplementary Report.

### **Hotel Provision in Rural Areas**

- 6.28 Policy EC7 of PPS4 details that tourist or visitor facilities which require new buildings in the countryside should, wherever possible, be provided in or close to service centres or villages, or may be justified in other locations where the facilities are required in conjunction with a particular countryside attraction. It also details that the provision of tourist and visitor facilities in appropriate locations should be supported where identified needs are not met by existing facilities in rural service centres.
- 6.29 Although the application site is in close proximity to the Paddock Wood Hop Farm, which is itself a tourist attraction, the case which has been put forward is that the proposed accommodation is not specifically related to this attraction, but rather to “support a local inn which is well known”. The Assessment of Hotel Development Proposals report concludes that there is a market opportunity (i.e. likely demand and potential) to create a sustainable pub accommodation business at the site, subject to the previous comments regarding the longer-term tenancies, securing a reputable and experienced operator/manager, etc.
- 6.30 Accordingly, given the conclusions regarding the case for enabling development made above, it is considered that the provision of hotel accommodation within a new building can be justified in this location, despite its location away from existing service centres and villages.
- 6.31 In terms of the impact of the proposal on other existing hotel accommodation, the Assessment of Hotel Development Proposals concludes that the provision of only 15 rooms should be capable of being absorbed into a wider regional market of over 1,200 rooms without major impact on existing establishments.
- 6.32 It should be noted that there is a current application being considered for the erection of a 60 bed hotel and 16 holiday lodges at the Paddock Wood Hop Farm (TM/10/00759/FL). The Assessment of Hotel Development Proposals concludes that if this hotel were to be permitted then “the Blue Bell would, we believe, still benefit from business generated by the Hop Farm, particularly at the time of major events, and indeed may still secure business related to conferences and functions at the Hop Farm even if the Hop Farm had its own hotel, as 60 rooms would only go so far in meeting demand from larger groups”.
- 6.33 Therefore, overall, the proposal would accord with the thrust of Policy EC7 of PPS4.

### **Visual Impact**

- 6.34 The application is supported by a comprehensive Landscape and Visual Assessment. The Assessment methodology details that the former function room/café has been assumed to still be present as part of the baseline for this

assessment, as there “would be a reasonable expectation that permission for rebuilding it would be granted if applied for”. I disagree with this methodology.

- 6.35 The report concludes that the overall effect of the proposal would be insignificant in terms of the wider surrounding landscape, with “slight” effects for the area immediately around the site where views are shorter distance and more open. It also concludes that the development would not harm the visual amenity of the MGB.
- 6.36 I have assessed the proposal on the basis that the northern part of the site is cleared, and have arrived at similar conclusions to those set out in the Assessment.
- 6.37 The proposed alterations to the Inn itself will not harm the character or appearance of the Listed Building, subject to control of details by condition. Similarly, it is considered that the proposed works to convert the existing oast are acceptable and will not harm the appearance or historic character of this building, again subject to careful control over the materials and joinery details. As the resultant residential unit will not comprise a freestanding dwellinghouse, it is not considered necessary to attach a condition requiring the removal of permitted development for further works etc.
- 6.38 The hotel accommodation itself would be located within the site, to the north of Listed Building. I have previously concluded that efforts have been made to minimise the bulk and form of the hotel accommodation through the proposed roof form. Nevertheless, the ridge height of the end components and the form and bulk of the overall building will be greater than that of the existing Inn and subservient outbuilding. Accordingly, there is the potential that the proposed hotel accommodation could challenge the Listed Building as the principal building within the application site. However, given the separation of the main element of the hotel accommodation from the Listed Building by 11.5m and the relatively low height and open sided design of the proposed link, it is considered that the setting and character of the Inn itself will be preserved.
- 6.39 Furthermore this link will be attached to the proposed extension to the Listed Building, and thereby will not harm any features of historic or architectural importance on the Inn itself.
- 6.40 As a result of the proposed provision of parking and turning space around the northern, western and eastern edges of the site, the northern half of the application site will be somewhat dominated by built form and hardstanding. However, sufficient soft landscaping will be provided in the area immediately around the Listed Building in a sensible layout which seeks to preserve its setting, and can be secured by condition.

6.41 Given the extent of the “hidden” flat roof on the hotel accommodation and potential for harm to be caused to the design of the building through the subsequent placement of items such as air conditioning units without adequate consideration as to their siting, an informative is recommended in order to remind the applicants that hotels do not have permitted development rights and any such proposals will require planning permission.

### **Highways and parking**

6.42 Vehicular access will be taken from the existing access from Beltring Road. A total of forty car parking spaces and four disabled spaces will be provided within the application site. KCC Highways do not raise any objection on highways or parking grounds, subject to the imposition of conditions in order to control and maintain this parking over time.

6.43 It is considered the proposal is in conformity with Policy SQ8 of the MDE DPD.

### **Flooding and Surface Water Drainage**

6.44 The application is accompanied by a site-specific Flood Risk Assessment [“FRA”]. This demonstrates that although the EA flood map indicates that the site falls within Flood Zone 3 (without differentiating between whether it is Flood Zone 3A or 3B), more detailed flood modelling has determined that it is only the southerly part of the site (including the existing access to Beltring Road, the Inn itself and the existing oast outbuilding) that would fall within the flood plan associated with a 1:100 plus climate change [“CC”] flood event. The FRA concludes that the depth of this flooding would be approximately 0.2m, flow velocities within the flood water would be less than 0.5 metres per second, and the rate of floodwater rise would be relatively slow due to the shallow sloping sides of the site.

6.45 Advice on how to undertake the sequential test in respect of flooding is provided in PPS25 and the PPS25 Practice Guidance. Paragraph 4.18 of the PPS25 Practice Guidance details that for individual planning applications “the area to apply the sequential test will be defined by local circumstances relating to the catchment area for the development”. As detailed previously, the proposed development is required specifically as enabling development and it is therefore necessary that this is provided on the application site. Therefore, the “relevant area” in which to apply the sequential test is the application site. Obviously, the site comprises the only suitably developable site within the relevant area, and according the sequential test is passed.

6.46 The majority of the site, including the position of the proposed hotel accommodation, would be located outside of the 1:100 plus CC event, and is therefore in Flood Zone 1. Through seeking to locate the most vulnerable development within the area at least risk of flooding, the proposal accords with the sequential approach as required by PPS25.



6.47 Notwithstanding the fact that the hotel accommodation would be located outside of the flood plain, the FRA details that mitigation measures should be incorporated into the design and construction of the hotel accommodation, in the case of a more extreme flood than the 1:100 (plus climate change) event. These include:

- raising the ground floor levels by 0.3m above the flood level of 13.066m OD;
- the use of solid concrete floors;
- the location of boilers, electricity sockets, service meters, etc at least 1m above the floor level (or flood level);
- any electricity cables to drop from the upper level.

6.48 The submitted plans indicate that the floor levels of the proposed hotel development and sleeping accommodation will be in accordance with these recommendations, to be secured by condition.

6.49 The access to the site is within the 1:100 year plus CC floodplain. PPS25 requires that safe access and escape is available to and from new developments:

- vehicular access to allow the emergency services to safely reach the development during design flood conditions will normally be required;
- wherever possible, safe access routes should be provided that are located above design flood levels, but where this is not possible limited depth of flooding may be acceptable, which will be dependant on the depth, velocity and debris content within the water.

6.50 The Beltring Road will be flooded to a depth of 0.5m in the 1:100 plus CC event, which is considered to be too deep to allow vehicular access. The FRA therefore recommends the preparation and adherence to a flood warning and evacuation plan, which could be secured by condition.

6.51 The EA has confirmed that the A228 to the north of the site is above the flood levels of this event, and dry pedestrian access can be achieved to the site, and the EA therefore raises no objection on these grounds.

6.52 It should be noted that the PC has raised concerns regarding historic flood levels. However, the FRA utilises the most up-to-date flood data, and the EA has raised no objections to the methodology used in the Assessment. I have no reason to dispute the findings of this Assessment.

6.53 The proposed development will result in the increase in impermeable area within the site: the FRA indicates that surface water run-off will increase by 9%. The FRA also details that suitable methods to attenuate the flow from the site are either the provision of storage beneath the car parking area or the provision of a pond of 400 – 500 sq m surface area, together with the use of a device to control

the discharge from the site to an existing drainage point to the watercourse which flows to the south of the Beltring Road.

6.54 I consider that there would be sufficient space for the installation of the subterranean storage within the site. Details of surface water drainage, together with foul water drainage, can be required by condition.

6.55 Overall, having regard to the comprehensive FRA submitted as part of the planning application, it is considered that there are no objections on flooding grounds, subject to the imposition of the above referenced conditions.

### **Ecology**

6.56 The application is accompanied by a comprehensive ecological assessment, which included a full walkover survey. The assessment determined that:

- birds were nesting in the oast barn;
- there is clear riparian connectivity from a range of ponds designated as a Local Wildlife Site located approximately 1 km to the north of the site to the river/ditch system adjacent to the site. Whilst this may allow passage of Great Crested Newts to system, they would be unlikely to venture onto the site due to the extent of hardstanding present;
- dormice are likely to be present in the surrounding hedgerows. However, further surveying work is only necessary if lighting is planned to the site, or alterations to the hedgerow network to the north or south of the site is planned;
- whilst no bats were found within the existing buildings, there was some evidence of foraging activity.

6.57 A series of recommendations are suggested, including an extended scoping survey of the surrounding dyke and ditch system, the use of a qualified ecologist to undertake a watching brief during particular periods of the excavation/renovation works, control over any lighting regime and the retention and protection of existing hedgerows. These can all be achieved by condition. Accordingly, there is no objection on ecological grounds.

### **Noise/Odour**

6.58 DHH has expressed concern that a satisfactory internal noise climate can be achieved within the hotel accommodation. It is recommended that a condition be attached to achieve this.

6.59 DHH has also raised comments regarding noise and odour from any kitchen extraction system or other plant. This application does not seek permission for such systems/plant: any applications for such development would be assessed having regard to these comments.

### **Archaeology**

- 6.60 Having regard to the potential for archaeological remains at the site, it is considered that the condition suggested by KCC Archaeology can adequately address this consideration.

### **Sustainable Design and Construction**

- 6.61 The submitted application makes no reference to providing energy through renewable sources. Nevertheless, Policy CP1 of the TMBCS has general requirements regarding the sustainable construction of buildings, and it is therefore recommended that a condition be attached to any grant of planning permission in relation to this.

### **Summary**

- 6.62 The proposal is contrary to adopted MGB policy and national guidance. It has therefore been necessary to consider whether the benefits of conserving the Blue Bell Inn (a Grade II Listed Building) through the operation of a public accommodation business together with any other benefits amount to Very Special Circumstances which clearly outweigh the harm which the proposal will cause to the openness of the MGB.
- 6.63 Although concerns have been identified regarding the viability of the proposal, this has been balanced against the fact that the expert advice provided to the Council has concluded that the refurbishment of the pub will not in isolation be sufficiently viable to ensure the future protection of the Listed Building, and there is a risk that refusal of the proposal will result in the continued deterioration of the heritage asset.
- 6.64 Overall, it has been concluded that the combined and cumulative benefits of potentially securing the future conservation of a Listed Building and the social, economic and cultural benefits associated with the provision of pub accommodation at the site are just sufficient to outweigh the harm caused to openness.
- 6.65 All other policy considerations have been satisfied, or can be addressed through the details to be submitted pursuant to condition.

## **7. Recommendation:**

(A) TM/10/02215/FL:

- 7.1 **Grant Planning Permission** subject to the conditions set out below, and in accordance with the following submitted details: Letter dated 10.08.2010, Validation Checklist dated 10.08.2010, Survey full scoping dated 10.08.2010, Report enabling development dated 10.08.2010, Flood Risk Assessment dated

10.08.2010, Planning Statement dated 10.08.2010, Design and Access Statement and LB appraisal dated 10.08.2010, Site Plan DHA/7527/02 dated 10.08.2010, Site Layout SV.1.2310 existing dated 10.08.2010, Site Layout P.1.2310 proposed dated 10.08.2010, Existing Plans and Elevations P.2.2310 dated 10.08.2010, Proposed Plans and Elevations P.3.2310 dated 10.08.2010, Proposed Plans P.4.2310 dated 10.08.2010, Proposed Plans P.5.2310 dated 10.08.2010, Proposed Plans P.6.2310 dated 10.08.2010, Proposed Plans P.7.2310 dated 10.08.2010, Existing Plans P.8.2310 dated 10.08.2010, Proposed Plans P.9.2310 dated 10.08.2010, Existing Plans P.10.2310 dated 10.08.2010, Proposed Plans P.11.2310 dated 10.08.2010, Elevations P.12.2310 dated 10.08.2010, Drawing P.13.2310 dated 10.08.2010, Proposed Plans P.14.2310 dated 10.08.2010, Letter dated 24.09.2010, Landscaping Assessment dated 24.09.2010, subject to:

### 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 development shall take place until details and samples 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 development shall be constructed at the levels indicated on the approved plans.

Reason: In order to ensure the development would be above flood levels associated with a 1:100 year plus climate change flood event.

- 4 Prior to the commencement of development details of flood resilience and flood resistance measures to be incorporated in the design and construction of the development hereby permitted shall be submitted to the Local Planning Authority and approved in writing. The development shall be constructed in accordance with the approved details.

Reason: To ensure the recommendations set out in the Flood Risk Assessment submitted as part of the application hereby approved are delivered.

- 5 Prior to the commencement of development an "Emergency Flood Warning and Evacuation Plan" shall be submitted to the Local Planning Authority and approved in writing. The approved Plan shall be in operation at all times during which the development is occupied.

Reason: To ensure the recommendations set out in the Flood Risk Assessment submitted as part of the application hereby approved are delivered.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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, unless the Authority gives written consent to any variation. 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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing hedgerows to the site, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All hedgerows to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the spread of any plants/trees within the hedgerow (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of any plants/trees within the hedgerow.
  - (c) No materials or equipment shall be stored within the spread of any plants/trees within the hedgerow.
  - (d) Ground levels within the spread of any plants/trees within the hedgerow shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to protect the appearance and character of the site and locality and in the interests of ecology.

- 8 Prior to the commencement of development details of measures to ensure the protection of ecological importance shall be submitted to and approved in writing by the Local Planning Authority. These details shall reflect the recommendations of the Ecological Scoping Survey submitted as part of the application hereby approved. The works shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of habitat and local biodiversity.

- 9 Prior to the commencement of development details of any external lighting to be installed at the site shall be submitted and approved in writing by the Local Planning Authority. These details shall refer to the recommendations made in the Ecological Scoping Survey submitted as part of the application hereby approved. Any external lighting shall be installed in accordance with the approved details.

Reason: To protect the character of the area and in the interests of local biodiversity.

- 10 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.

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

- 11 Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Policy CP1 of the Core Strategy of the Tonbridge and Malling Borough Council Local Development Framework.

- 12 The works to the Blue Bell Inn hereby permitted shall be completed within 3 months of the first occupation of the hotel accommodation hereby permitted. Thereafter, the hotel accommodation shall only be operated in conjunction with the operation of the Blue Bell Inn itself as a public house (Use Class A4). If the Blue Bell Inn ceases trading for a period of 2 months or longer then the Local Planning Authority shall be informed in writing, and detailed proposals for the ongoing management and operation of the site as a whole shall be submitted for the consideration of the Local Planning Authority.

Reason: In recognition of the exceptional circumstances under which planning permission has been granted for this development, which would otherwise have been regarded as unacceptable in terms of Green Belt policy.

- 13 The areas shown on the approved plan Dwg. No. P.1.2310 Rev A (04.07.2010) as vehicle parking, loading, off-loading and turning space shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate parking/turning space is likely to lead to hazardous on-street parking.

- 14 Prior to the commencement of development, details of schemes of noise insulation for the staff accommodation within the oast building and the hotel accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason: To protect the aural environment of permitted staff and hotel accommodation.

- 15 Prior to the commencement of development, details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. These drainage works shall be carried out in accordance with the approved details prior to the first use/occupation of the staff and hotel accommodation hereby permitted.

Reason: In the interests of flooding and pollution prevention.

### **Informatives**

- 1 As demolition work is proposed an asbestos refurbishment and demolition survey is needed before any demolition work is carried out. There is a specific requirement in Control of Asbestos Regulations 2006 (Regulation 7) for all asbestos containing materials to be removed as far as reasonably practicable before major refurbishment or final demolition: please refer to the Health and Safety Executive publication HSG 264 Asbestos: The Survey Guide.
- 2 In providing the details required under condition 14, please refer to the comments made by the Borough Council's Environmental Protection team in respect of this application.
- 3 The installation of any plant on the flat roof of the hotel accommodation hereby permitted is likely to require planning permission. Particular consideration should be given to the siting of any such plant, having regard to its potential visibility.
- 4 Prior to the works commencing on site, details of parking for site personnel/operatives/visitors and details of arrangements to accommodate

operatives' and construction vehicles loading, off-loading and turning in the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these parking and turning arrangements shall be provided and retained throughout the construction of the development.

- 5 As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

(B) TM/10/02216/LB:

- 7.2 **Grant Listed Building Consent** subject to the conditions set out below, and in accordance with the following submitted details: Validation Checklist dated 10.08.2010, Survey FULL SCOPING SURVEY dated 10.08.2010, Flood Risk Assessment dated 10.08.2010, Report ENABLING DEVELOPMENT REPORT dated 10.08.2010, Location Plan DHA/7527/02 dated 10.08.2010, Site Layout P.1.2310 A dated 10.08.2010, Existing Plans and Elevations P.2.2310 A dated 10.08.2010, Proposed Plans and Elevations P.3.2310 A dated 10.08.2010, Floor Plan P.4.2310 A dated 10.08.2010, Floor Plan P.5.2310 dated 10.08.2010, Elevations P.6.2310 dated 10.08.2010, Elevations P.7.2310 dated 10.08.2010, Floor Plan P.8.2310 dated 10.08.2010, Floor Plan P.9.2310 dated 10.08.2010, Proposed Plans and Elevations P.11.2310 A dated 10.08.2010, Elevations P.12.2310 dated 10.08.2010, Existing + Proposed Plans and Elevations P.13.2310 dated 10.08.2010, Proposed Roof Plan P.14.2310 dated 10.08.2010, Site Layout SV.1.2310 dated 10.08.2010, subject to:

### Conditions

- 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 No development shall take place until details and samples 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 No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 visual amenity of the locality.

Contact: Steve Baughen