

East Peckham
East Peckham And
Golden Green

567568 147683 11 October 2012

(A) TM/12/02971/FL
(B) TM/12/02972/LB

Proposal: (A) Demolish porch, kitchen and WCs on north side of public house and form pitched in place of flat roof, and convert to a dwelling. Convert oast to a dwelling. Construct three detached dwellings with access, car barns and landscaping
(B) Listed Building Application: Demolish porch, kitchen and WCs on north side of public house and form pitched in place of flat roof, internal alterations to public house to enable conversion to dwelling, convert oast to a dwelling

Location: Blue Bell Inn 1 Beltring Road Paddock Wood Tonbridge Kent TN12 6QH

Applicant: T H Properties

1. Description:

- 1.1 The proposal comprises works to the existing Blue Bell Inn public house to form a 4 bedroom dwelling. These works include the demolition of the later single storey elements on the rear of the building that comprised a kitchen, porch and toilet area. A smaller replacement extension to the rear is proposed and a smaller porch to the rear lobby. The rear extension would be to the side of the existing single storey western wing of the building to form a study and shower room. The extension and porch will have hipped ridged roofs in keeping with the design and materials of the existing building. Internal works to the listed building are limited and will involve the erection of stud walls. It is also proposed to replace the existing white painted hanging tiles on the first floor of the southern/front elevation with reclaimed Kent Peg tiles.
- 1.2 It is also proposed to convert the existing curtilage listed Oast building, located immediately to the east of the Blue Bell Inn into a two bedroom dwelling. The most recent use of this building was as a beer cellar ancillary to the pub, with the first floor comprising open storage/hop drying. The building comprises a roundel and storage area. The roundel will have four windows added and a door. The works involved in this conversion of the storage building comprise the insertion of windows and doors at ground and first floor level and rooflights. It is also proposed to clad the first floor elevations with dark stained weatherboarding.
- 1.3 Three further new build 4 bedroom dwellings are proposed to the north of the listed buildings, within the current public house car park. These are all substantial detached dwellings with detached car ports and are arranged around a drive and turning head. Each dwelling is individually designed using traditional features and materials. All the proposed units have large garden curtilages. These dwellings are proposed as enabling development to support the long term protection of the listed buildings and in particular the Blue Bell Inn.

- 1.4 Vehicular access would be taken from Beltring Road via the existing access located within the south east corner of the site.
- 1.5 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 (the conservation of the Listed Building) to clearly outweigh the harm caused to the openness of the MGB by reason of inappropriateness and any other harm. A detailed explanation of this case is provided in the Determining Issues section of this Report.
- 1.6 The application is accompanied by an Ecological Scoping Survey, a Flood Risk Assessment, a Noise Assessment and a confidential 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 building and oast building is viable or whether housing 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 Public House. The Listing details that the building has an eighteenth century elevations of brick ground floor with tile hung first floor, which masks an earlier framed structure. There have been subsequent extensions on the northern elevation of the property.
- 3.2 Although the building has been in use as a public house for a considerable period of time, it ceased trading several years ago and is presently vacant. The peg tiles on several roof planes have been removed, it is believed by theft.
- 3.3 A two storey curtilage listed oasthouse is located approximately four metres to the east of the Inn, in a position closer to Beltring Road than the front elevation of the main building.
- 3.4 A vehicular access is located at the south eastern corner of the site, with a drive running parallel to the eastern boundary to areas of hardstanding located within the northern area of the site. A function room/café was located within this area, although it burnt down in May 2009. The site is presently surrounded by Heras style security fencing and is not occupied.
- 3.5 The site is located immediately to east of the A228, at the junction of this highway with Beltring Road. There are hedgerows located on the northern and eastern boundaries of the site, whilst the southern and western boundaries are relatively

open. Accordingly, views are available of the site when travelling along the dual-carriageway (A228) in both directions. Beltring Road is an attractive rural road, with a dyke/ditch system along either side of the road and mature vegetation.

- 3.6 The Hop Farm, East Peckham is located on the opposite side of the A228. There are several dwellings located to the north of the site, with an open field under the ownership of the applicants located immediately to east. Vehicular access is available to this field from the application site.
- 3.7 The site is in the Metropolitan Green Belt and open countryside.
- 3.8 The Environment Agency's flood maps indicate that the site falls within a Flood Zone 3 (high risk). However, more detailed modelling indicates that it is only the southern part of the site which falls within the 1:100 year flood event, with the remainder of the site falling within Flood Zone 1 (low risk).

4. Planning History:

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/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/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/10/02215/FL Approved 15 April 2011

Demolish porch and toilets on north side of public house, replace toilets and alter internal ground floor levels for disabled access. Construct a 15 room annex with open sided ground level link to public house. Convert first floor of oast to one bedroom staff accommodation

TM/10/02216/LB Approved 15 April 2011

Listed Building Application: Demolish porch and toilets on north side of public house, replace toilets and alter internal ground floor levels for disabled access. Construct a 15 room annex with open sided ground level link to public house. Convert first floor of oast to one bedroom staff accommodation

5. Consultees:

- 5.1 PC: No objection. However the PC does insist that East Peckham is included within the Postal address.
- 5.2 KCC H&T: For sustainable transport integration and road safety reasons, it is considered that a kerbed footway on the south western boundary of the site should be provided, linking to the shared space in the site. For road safety reasons in order to maintain visibility and to draw attention to the junction of Beltring Road/A228 for through westbound traffic, it is considered that a section of footway should also be provided on the eastern boundary with Beltring Road.
 - 5.2.1 Subject to these measures I would not wish to object to this proposal. The footways are considered a necessary part of this application however and will need to be provided via a S278 agreement with the Highway Authority. For clarity whilst not mentioned in the literature and drawing P.2.2329 is open to interpretation; a gated development would not be regarded appropriate.

- 5.3 Environment Agency: We have **no objection** to the development subject to a surface water drainage condition and a finished floor levels condition. Part of the development comprises the construction of 3 new dwellings close to but outside of the area identified to be at a high risk of flooding. Again, we have no objection to this element of the development although given the proximity to the high flood risk area we would strongly recommend that flood resilience is incorporated into the design of the buildings as outlined in Section 9.1 of the Flood Risk Assessment (FRA). The opportunity should also be taken to include these measures within the existing building where feasible.
- 5.3.1 Part of the development proposals comprises a change of use from a pub/oast house to dwellings. There is no requirement to pass the Sequential or Exception Test but they will need to meet the requirements of a site specific flood risk assessment and comply with Table 1 *Flood Zones* of the NPPF Technical Guidance. The change of use proposals satisfy that, although there are concerns regarding safe access and egress the site during a flooding event.
- 5.3.2 The immediate area could be subject to flooding under the design 1 in 100 year + 30% climate change event. The surrounding road network may be subject to widespread flooding of various depths which could make it difficult for emergency vehicles to reach the site if a rescue operation were required. The FRA has suggested that a flood warning and evacuation plan be prepared. We support this recommendation. No comment on the adequacy of flood emergency response procedures as we do not carry out these roles during a flood. EA involvement with this development during an emergency will be limited to our flood warning network.
- 5.3.3 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.
- 5.4 Upper Medway Internal Drainage Board: The site of the above development proposal is within the Upper Medway Internal Drainage Board's district and as such any works affecting any ordinary watercourse may require the Board's formal consent. The site is in close proximity and drains to the Gravelly Way Stream (IDB93) which is managed and maintained by the Board.
- 5.4.1 All developments should aim to limit off-site surface water runoff to that of the Greenfield site. This is especially important in areas of known flood risk. It is stated in the Flood Risk Assessment that due to local geology and high groundwater table, soakaways are not considered appropriate and that discharge to the existing watercourse is proposed. It is also stated in the FRA that the Greenfield runoff rate for this site is 2l/sec/ha. The report goes on to state that, due to the risk of obstruction (to a restricted outflow) a discharge rate of 5l/sec is proposed (which

equates to 11.63l/sec/ha for this 0.43ha site). Whilst it is agreed that the risk of obstruction must be considered, a restricted discharge rate of 2l/sec is believed to be more appropriate and achievable (which equates to 4.65l/sec/ha for this site).

- 5.4.2 The applicant's intention to provide on-site storage for the 1 in 100 year rainfall event (+30% for Climate Change) is considered appropriate. The applicant refers to the use of permeable paving and underground storage to provide this, but also suggests the possible creation of a balancing pond in the adjacent field. Due to the additional benefits to local biodiversity provided by open storage, and the relative ease of maintenance when compared to closed systems which can quickly become blocked and ineffective, I would strongly recommend that the balancing pond option is taken forward into the detailed plan.
- 5.4.3 Future maintenance of the drainage system for the lifetime of the development is most important. I would be grateful to receive a copy of the final inspection and maintenance plan, which should be approved by the LPA prior to final planning approval.
- 5.5 Natural England: Biodiversity Action Plan (BAP) Priority Habitat: The national habitat inventories indicate that this development coincides with an area of BAP priority habitat.
- 5.5.1 Protected Species: The protected species survey has identified that the following European protected species may be affected by this application: Bats, Great Crested Newts.
- 5.5.2 We have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.
- 5.5.3 Standing Advice Species Sheet: Bats advises the authority that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements". However Natural England agrees with the recommendation on page 5 of the scoping survey that a reassessment may be required under a watching brief by an appropriate qualified ecologist during the re-roofing and renovation period prior to commencement of the works.
- 5.5.4 Standing Advice Species Sheet: Great crested newts advises the authority that further survey effort is required in accordance with the Great crested newt mitigation guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.
- 5.7 KCC Heritage: The site of the application lies on Alluvium and River Terrace Gravels. These deposits have potential for early prehistoric (palaeolithic) remains, such as stone tools. In addition, the *Bell Inn* is identifiable on the 1st Edition OS 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 current information, I suggest there is potential for archaeological remains to survive on this site and I recommend a condition of a programme of archaeological work is placed on any forthcoming consent:

- 5.8 English Heritage: We do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 5.9 Private Representations: (5/1X/0R/0S) + Site and Press Notice (Departure, LB). Comments received request confirmation that no alterations will be made to the agricultural field at the side of the property.

6. Determining Issues:

- 6.1 This application follows earlier planning and listed building applications for the reinstatement of the public house, a 15 bedroom hotel and staff accommodation. Refs: TM/10/02215/FL & TM/10/02216/LB. These applications were reported to Planning Committee with a recommendation for approval which the Committee supported.
- 6.2 The applicants have outlined in their application that since the approval in April 2011 they have been marketing the building and site as a pub and hotel. There has been limited interest in this period and all potential offers have fallen through due to the economics of the site. Consequently, the applicants claim that the only option left for the site and the restoration of the listed buildings is a conversion to a residential use. It is intended that the 3 new-build units would financially subsidise the works to the listed buildings.
- 6.3 The site lies in the MGB. The proposed erection of the three new-build dwellings, together with the extension to the Inn itself, do not fall within one of the categories of development specified in paragraph 89 of the NPPF as being appropriate in the MGB. Accordingly, the proposal is considered to be inappropriate development which will by definition be harmful to the MGB. In addition to harm caused by inappropriateness, other potential harm must be considered on openness and the visual amenity of the MGB.
- 6.4 Policy CP14 of the TMBCS is also relevant in that this site is situated in open countryside and is a similar criteria-based policy. Paragraph 17 of the NPPF requires LPAs to recognise the intrinsic character and beauty of the countryside and paragraph 55 requires housing should be located where it will enhance or maintain the vitality of rural communities. It advises that new isolated homes in the countryside should be avoided unless there are special circumstances such as where such development would represent the optimal viable use of a heritage

asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

- 6.5 The erection of three dwellings will impact on the openness of the MGB through the introduction of buildings within part of a relatively open 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 can be no presumption that a replacement building would be granted consent.
- 6.6 Notwithstanding all the above, the impact on the openness of the MGB has been minimised by the design of the proposed dwellings. The design has been 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.
- 6.7 Before concluding on a judgement in terms of the impact on the MGB, it is therefore necessary to consider whether there is a case of very special circumstances (VSC) which clearly outweigh the harm caused to the openness of the MGB by reason of inappropriateness and any other harm.
- 6.8 The applicant has put forward a case of VSC in that the Listed Buildings are presently in a use and condition that is inherently unable to guarantee their future and, without the works proposed, would lead to further risk and damage to the character and fabric of the buildings. Indeed, the supporting information submitted as part of the application details that one of the purposes of the applications is to secure the preservation in perpetuity of the historic buildings.
- 6.9 Enabling Development is defined 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 countryside and the inappropriate nature of the proposed development, the proposal falls within the definition of enabling development. It is therefore necessary for the proposal to be assessed against the English Heritage document Enabling Development and the Conservation of Significant Places which, although not national planning guidance, is relevant to this proposal, as well as paragraphs 55 and 140 of the NPPF.
- 6.10 This document 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 outweigh the dis-benefits of departing from the development plan and national planning policy.
- 6.11 The application Enabling Development Report sets out the development economics of the proposal and details the applicant’s conclusions on the viability of the proposal. A viability assessment has been undertaken by the Council’s

retained consultants, in order to assess the validity of the financial case put forward by the applicants. The conclusions are referenced below but essentially support the approach adopted by the applicant in light of all the commercial circumstances surrounding this site.

- 6.12 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 and 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. The Inn has become run-down physically, is in poor repair, has substandard facilities and is vacant and has been for a period of over 2 years. 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. Following the theft of tiles and vandalism to the property, the property has since been valued at £275,000 for the applicants (August 2010), and our retained valuation/development surveyors/consultants have verified this figure as being realistic.
- 6.13 At the same time, it is also accepted by our consultants that a pub refurbishment or conversion in isolation will not result in a viable development, and there is therefore little likelihood that the future conservation of the listed property could be ensured through the conversion only. There does not appear to be another source of funding to support the conservation of the heritage asset. It is clear that there is no residual market for the earlier hotel proposal that has led to that scheme being brought forward.
- 6.14 It is considered that the use of the site for housing is a purpose which is sympathetic to the conservation of the Blue Bell Inn as a heritage asset. Indeed, the Listed Building itself requires limited alterations to enable a conversion to residential, but with the removal of some inappropriate additions and a promise to continue conservation in residential use. The same can be said of the Oast Building, which although requiring a number of new door and window openings, does not need to be substantially altered and its historic features and integrity would be retained. These elements will ensure the long-term viability and the future conservation of these heritage assets.
- 6.15 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 given to the fact that the development will have the effect of bringing a site which is presently vacant and subject of theft and vandalism back into use, thereby 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 minimising the risk of the permanent loss of these heritage assets.

- 6.16 Bearing in mind the design of the dwellings, together with the combined and cumulative benefits of potentially securing the future conservation of a Listed Building and bring about an improvement in its appearance and setting and enabling its continued use are, on balance, sufficient to outweigh the harm to openness caused and the normal principle of resisting new houses in isolated parts of the countryside.
- 6.17 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 development of the Listed Buildings as dwellings. 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 development and occupation of the dwellings to be linked to that of the listed buildings. This approach is supported by the Council's consultant who concludes that there are some concerns regarding the overall viability of the proposal, due to the very low level of profit and the limited assumptions of the construction costs. It is advised that such a tie in condition is necessary if permission is to be granted.
- 6.18 In respect of the provision of affordable housing and other contributions required under policies CP17 and CP25 of the TMBCS, the very tight development economics of the site dictate that there is no realistic scope for such provision or a contribution within this development proposal, as such a position would not be viable. This is accepted in light of the benefit of the retention and renovation of the Heritage Assets.
- 6.19 The loss of a public house at the site is not ideal as it results in the loss of a potential community facility which is not in tune with the principles underlying policy CP26 of the TMBCS. There is no quantified assessment as to whether there is a need for a public house in this location. Nevertheless, the viability assessment clearly shows that the public house has been marketed as such for a substantial period of time with no firm offers. There does not therefore, appear to be a realistic market for the retention of the public house or indeed the approved hotel accommodation on this site.
- 6.20 The submitted planning statement 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; I have assessed the proposal and have arrived at similar conclusions.
- 6.21 The proposed alterations to the pub building 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.

- 6.22 In terms of the design of the dwellings, effort has been made by the applicant to minimise the bulk and form through the proposed roof forms. Nevertheless, the form and bulk of the overall buildings will be greater than that of the existing Inn and subservient oasthouses outbuilding. Accordingly, there is the potential that the proposed dwellings could challenge the Listed Building as the principal building within the application site, however, given the separation of the dwellings from the Listed Building by approximately 14m and the relatively low height and appropriate design and detailing, it is considered that the setting and character of the Inn itself will be preserved.
- 6.23 The design and detailing of the proposed dwellings are suitable for a site adjoining a Listed Building. Their proposed scale would reinforce the Listed Buildings and the spans of the roofs are very similar to the listed building which is historically appropriate. The use of materials and windows and doors are well arranged and scaled. Consequently, the design is in line with design policies and in particular policies CP1 and CP24 of the TMBCS, policy SQ1 of the MDE DPD and paragraph 61 of the NPPF.
- 6.24 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. This complies with policy SQ1 of the MDE DPD and paragraphs 120, 131 and 132 of the NPPF.
- 6.25 In respect of potential flooding and surface water drainage, the application is accompanied by a site-specific Flood Risk Assessment (FRA). Policy CP10 of the TMBCS and paragraphs 100-104 of the NPPF are therefore relevant plus the associated Technical Guidance to the NPPF on Flood Risk. Although the EA flood map indicates that the site falls within Flood Zone 3, more detailed flood modelling in the FRA 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 plain associated with a 1:100 year 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 m/s, and the rate of floodwater rise would be relatively slow due to the shallow sloping sides of the site.
- 6.26 The proposed development is required specifically as enabling development and it is therefore necessary that this is provided on the application site. Therefore, the area in which to apply any sequential test is the application site, as the site comprises the only suitably developable site the sequential test is passed. The majority of the site would also be located outside of the 1:100 year event and is therefore in Flood Zone 1 based on detailed modelling. Through seeking to locate

the most vulnerable development (i.e. the new build dwellings) within the area at least risk of flooding, the proposal accords with a sequential approach.

- 6.27 The EA has raised no objection in principle, subject to the suggestion of a number of conditions to ensure the measures identified in the FRA are fully implemented and maintained. The proposal therefore accords with policy CP10 of the TMBCS and paragraphs 100-104 of the NPPF and associated Technical Guidance.
- 6.28 Notwithstanding the fact that the new build dwellings would be located outside of the flood plain, the FRA details that mitigation measures should be incorporated into the design and construction of the residential accommodation. These include: raising the ground floor levels by 0.3m above the flood level of 13.066m OD; the use of solid concrete floors; and the location of boilers, electricity sockets, service meters, etc. at least 1m above the floor level. The submitted plans indicate that the floor levels of the proposed dwellings will be largely in accordance with these recommendations, however a detailed condition will be imposed to ensure compliance with the EA finished floor levels.
- 6.29 The access to the site is within Flood Zone 3 and therefore it is appropriate that safe access and escape is available to and from the new development. Beltring Road will be flooded to a depth of 0.5m in the 1:100 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. The EA also support this recommendation.
- 6.30 In respect of surface water drainage, the proposed development will result in the increase in impermeable area within the site: 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 water storage on site or the provision of a pond on the adjoining field of 400 – 500 sqm surface area, together with the use of a device to control the discharge from the site to an existing drainage point on the watercourse which flows to the south of the Beltring Road. I consider that there would be sufficient space for the installation of the subterranean storage within the site however, a SUDS drainage system would be the preferred solution. Details of a scheme of surface water drainage can be required by condition. If this results in a SUDS system and balancing pond in the adjoining land, then consideration would need to be had to the need for planning permission for this pond. Such an assessment can only be made once a full scheme has been submitted. This condition is supported by the EA and the Upper Medway Drainage Board. In addition, due to the potential for flooding in the area it is also necessary to require details of foul drainage by condition.
- 6.31 Overall, having regard to the comprehensive FRA submitted as part of the planning application, it is considered that there are no objections in respect of flooding or surface water drainage, subject to the imposition of the above conditions.

- 6.32 In terms of the impact of noise from the A228, a Noise Assessment has been submitted in support of the application. This report identifies that the residential properties would largely fall within NEC B, however the day time figures for the units facing the A228 would fall within NEC C. Consequently, noise mitigation measures have been identified that would minimise internal noise levels. This would include mechanical ventilation and acoustic trickle vents. With these measures it has been identified that satisfactory internal noise levels can be achieved. A condition is attached to achieve this. In terms of external amenity space, all units have been laid out to create protected amenity space from noise. It is agreed that there are sufficient 'quiet' areas from which residents would benefit.
- 6.33 Therefore, with the imposition of a condition in respect of measures to ensure a satisfactory internal noise climate, the application could comply with policy SQ6 of the MDE DPD and paragraph 123 of the NPPF.
- 6.34 The application is accompanied by an ecological assessment, which included a full walkover survey. The assessment determined that:
- birds were nesting in the oast barn and any renovation work shall take place outside of nesting season.
 - 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; Great Crested Newts are likely to be using the ditch, but are unlikely to be on site due to inappropriate habitat and separation from the ditch.
 - 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. All hedgerows need to be retained and protection fencing installed throughout the construction period.
 - whilst no bats were found within the existing buildings, there was some evidence of foraging activity. It is unlikely that bats are using the building as more than half the roof has been removed, however, a watching brief is recommended.
 - Ecological enhancements should be incorporated into the design and planting of the development, including bat boxes and gapping up the existing hedgerow.
 - Hedgehogs have been recorded locally and it is recommended that log piles are constructed within wildlife refugia areas.

- 6.35 The survey identifies a series of recommendations, including an extended scoping survey of the surrounding dyke and ditch system in respect of Great Crested Newts, the use of a qualified ecologist to undertake a watching brief during particular periods of the excavation/renovation works, control over any lighting regime, the retention and protection of existing hedgerows and an ecological enhancement plan to be submitted for approval.
- 6.36 Natural England has largely supported these proposals but have identified that a Great Crested Newt Survey is undertaken prior to determination on a precautionary basis. The submitted application report disagrees with this conclusion, due to the habitat of the application site which is not likely to support Newts. I agree with the applicants conclusion at this time, but a further survey should be required to ensure appropriate mitigation is implemented prior to work commencing on site.
- 6.37 This and the ecological enhancements proposed can all be achieved by condition. Accordingly, there is no objection on ecological grounds and the application accords with policy NE2, NE3 and NE4 of the MDE DPD and paragraph 118 of the NPPF.
- 6.38** In terms of highway matters, vehicular access will be taken from the existing access on Beltring Road. KCC Highways had requested that a kerbed footway is provided on the south western and part of the eastern boundary of the site. Having given this some consideration, it is my opinion that the provision of a public footpath for this proposal is too onerous. Consequently, it has been agreed by all parties that a simple link or informal footpath is provided from the site to the public footpath on Branbridges Road. This would provide the necessary links with the existing footpath system and its provision has been agreed and shown on submitted plans by the applicants. Otherwise, KCC Highways do not raise any objection on highways or parking grounds, subject to the imposition of standard conditions in order to control parking and turning provision. It is considered the proposal is in conformity with Policy SQ8 of the MDE DPD and paragraph 35 of the NPPF.
- 6.39 Having regard to the potential for archaeological remains at the site, including prehistoric and medieval remains, it is considered that the condition suggested by KCC Heritage in terms of a scheme of archaeological investigation can adequately address this consideration. This is in accordance with paragraphs 128 and 139 of the NPPF.
- 6.40 The submitted application makes no reference to ensuring energy conservation. Nevertheless, Policy CC1 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.

6.41 Looking at this case in the round I have reached the conclusion that the combined and cumulative benefits of potentially securing the future conservation of Listed Buildings are, more than sufficient to outweigh the harm caused to the breach of MGB policy and the “openness” of the area. All other policy considerations have been satisfied, or can be addressed through conditions. The applications are therefore recommended for approval.

7. Recommendation:

(A) TM/12/02971/FL:

7.1 Grant Planning Permission in accordance with the following submitted details:

Planning Statement dated 02.10.2012, Letter dated 01.10.2012, Design and Access Statement dated 02.10.2012, Sustainability Report dated 02.10.2012, Noise Assessment dated 02.10.2012, Flood Risk Assessment dated 02.10.2012, Location Plan DHA/7527/02 dated 02.10.2012, Proposed Elevations P.15.2329 dated 02.10.2012, Existing Site Layout P.1.2329 dated 02.10.2012, Site Plan P.2.2329 dated 02.10.2012, Site Layout P.3.2329 A dated 02.10.2012, Existing Plans and Elevations P.4.2329 dated 02.10.2012, Proposed Plans and Elevations P.5.2329 dated 02.10.2012, Existing Plans and Elevations P.6.2329 dated 02.10.2012, Proposed Plans and Elevations P.7.2329 A dated 02.10.2012, Existing + Proposed Plans and Elevations P.8.2329 dated 02.10.2012, Existing Plans and Elevations P.9.2329 dated 02.10.2012, Proposed Plans and Elevations P.10.2329 dated 02.10.2012, Proposed Plans and Elevations P.11.2329 dated 02.10.2012, Proposed Plans and Elevations P.12.2329 dated 02.10.2012, Proposed Plans and Elevations P.13.2329 dated 02.10.2012, Proposed Plans and Elevations P.14.2329 dated 02.10.2012, Email dated 13.12.2012, Landscape Layout DHA/9349/01 dated 13.12.2012, Landscape Statement dated 13.12.2012, Ecological Assessment dated 02.10.2012, E-mail dated 08.04.13 and Plan dated 08.04.13, 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 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 of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing

Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

- 3 The development shall be constructed in accordance with the recommendations and mitigation measures identified in the Flood Risk Assessment by Herrington Consulting Ltd dated September 2012 and received on 02.10.12. These recommendations shall be fully implemented and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: In order to ensure the development would be above flood levels associated with a 1:100 year plus climate change flood event and in accordance with policy CP10 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 100-104 of the National Planning Policy Framework 2012.

- 4 The proposed development shall be constructed at the respective levels stated in the Flood Risk Assessment and the finished floor levels for the living and sleeping accommodation within the converted building shall be set no lower than 13 and 13.67metres above Ordnance Datum respectively and finished floor levels for the living and sleeping accommodation within the newly constructed dwellings are set no lower than 13.37 and 13.67m above Ordnance Datum respectively.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the recommendations set out in the Flood Risk Assessment hereby approved are delivered and in accordance with policy CP10 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 100-104 of the National Planning Policy Framework 2012.

- 5 Prior to the first occupation 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 and in accordance with policy CP10 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 100-104 of the National Planning Policy Framework 2012.

- 6 The scheme of landscaping shown on the approved plans and landscape schedule dated 13.12.12 shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58, 61 of the National Planning Policy Framework 2012.

- 7 The dwellings shall not be occupied nor the use commenced until the site has been fenced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be retained thereafter.

Reason: To retain and enhance the character of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 8 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 and to protect the appearance and character of the site and locality and in the interests of ecology in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1, NE2, NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58, 61 of the National Planning Policy Framework 2012.

- 9 Prior to the commencement of development an ecological enhancement plan detailing measures to ensure the protection and enhancement of ecological features and species habitat shall be submitted to and approved in writing by the

Local Planning Authority. These details shall reflect the recommendations of the Ecological Scoping Survey dated June 2010 and received on 02.10.12 as part of the application hereby approved. The works shall be undertaken in accordance with the approved details and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of habitat and local biodiversity in accordance with policies NE2, NE3 and NE4 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 118 of the National Planning Policy Framework 2012.

- 10 The development shall be constructed and works undertaken in accordance with the recommendations and mitigation measures identified in the Full Scoping Survey by Wildthing Consultants dated June 2010 and received on 02.10.12. A verification report of the outcome of the extended scoping survey shall be submitted for information to the Local Planning Authority. These recommendations shall be fully implemented and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of habitat and local biodiversity in accordance with policies NE2, NE3 and NE4 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 118 of the National Planning Policy Framework 2012.

- 11 No external lighting shall be installed other than in accordance with details submitted to 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 and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the area and in the interests of local biodiversity and in accordance with policies NE2, NE3 and NE4 of the Managing Development and the Environment DPD 2010 and paragraphs 118 and 125 of the National Planning Policy Framework 2012.

- 12 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: In the interests of archaeological research in accordance with paragraph 128 of the National Planning Policy Framework 2012.

- 13 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 Tonbridge and Malling Borough Core Strategy 2007 , policy CC1 of the Managing Development and the Environment DPD 2010 and paragraphs 95-98 of the National Planning Policy Framework 2012.

- 14 The new build plots 1- 3 shall not be substantially completed or occupied until the conversion and restoration works hereby approved for the Listed Blue Bell Inn and the Oast building have been fully completed.

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 and countryside policy in line with paragraphs 55, 88 , 89 and 140 of the National Planning Policy Framework 2012.

- 15 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space 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 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 16 No building shall be occupied until the area shown on the submitted plan as a turning area 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 1995 (or any order amending, revoking and re-enacting that Order) , shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 17 Prior to the commencement of development, details of a refuse strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To facilitate the collection of refuse and preserve visual amenity in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 18 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety in accordance with paragraphs 120 and 121 of the National Planning Policy Framework 2012.

- 19 The development hereby permitted shall not be commenced until a scheme to dispose of foul and surface water has been submitted and approved in writing by the Local Planning Authority. This shall include the proposed method of water storage and inspection and maintenance plans. The scheme shall be implemented as approved and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in the interests of water pollution prevention in accordance with Policy CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Paragraph 120 of the National Planning Policy Framework 2012.

- 20 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of road traffic noise in Noise Exposure Categories B and C as set out in Policy SQ6 of the Tonbridge and Malling Borough Managing Development and the Environment DPD have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be at least sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40 LAeq dB in bedrooms of 48 LAeq dB in living rooms with windows open the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78 LAmx dB(Slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the unit to which it relates and shall be retained at all times thereafter.

Reason: To protect amenities in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ6 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and paragraphs 17, 57, 58, 61, 125 of the National Planning Policy Framework 2012.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the character and amenity of the locality in accordance with Policies CP1, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

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 Prior to the works commencing on site, there shall be parking on site for personnel/operatives/visitors and arrangements to accommodate operatives' and construction vehicles loading, off-loading and turning in the site. These parking and turning arrangements shall be retained throughout the construction of the development.
- 3 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. 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.
- 4 Tonbridge and Malling Borough Council operates a wheeled bin, boundary of property refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC highway. The Council reserves the right to designate the type of bin/container.
- 5 In respect of Condition 10, the recommendations referred to in Paragraph 6.3 of the submitted Ecological Scoping Survey include an extended Scoping Survey for Great Crested Newts to include the river/ditch corridor.
- 6 In respect of Condition 20, it is considered that a Sustainable Urban Drainage System (SUDS) is a more appropriate system for water storage for this site.

(B) TM/12/02972/LB:

- 7.2 **Grant Listed Building Consent** subject to the conditions set out below, and in accordance with the following submitted details:

Planning Statement dated 02.10.2012, Listed Building Appraisal dated 02.10.2012, Design and Access Statement dated 02.10.2012, Sustainability Report dated 02.10.2012, Noise Assessment dated 02.10.2012, Scoping Survey dated 02.10.2012, Flood Risk Assessment dated 02.10.2012, Location Plan DHA/7527/02 dated 02.10.2012, Proposed Plans and Elevations P.15.2329 dated 02.10.2012, Existing Site Layout P.1.2329 dated 02.10.2012, Site Plan

P.2.2329 dated 02.10.2012, Site Layout P.3.2329 A dated 02.10.2012, Existing Plans and Elevations P.4.2329 dated 02.10.2012, Proposed Plans and Elevations P.5.2329 dated 02.10.2012, Existing Plans and Elevations P.6.2329 dated 02.10.2012, Proposed Plans and Elevations P.7.2329 A dated 02.10.2012, Existing + Proposed Plans and Elevations P.8.2329 dated 02.10.2012, Existing + Proposed Plans and Elevations P.9.2329 dated 02.10.2012, Proposed Plans and Elevations P.10.2329 dated 02.10.2012, Proposed Plans and Elevations P.11.2329 dated 02.10.2012, Proposed Plans and Elevations P.12.2329 dated 02.10.2012, Proposed Plans and Elevations P.13.2329 dated 02.10.2012, Proposed Plans and Elevations P.14.2329 dated 02.10.2012, subject to the following:

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: In the interests of the character and amenity of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 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: In the interests of the character and amenity of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 4 Before work commences on the listed buildings a Schedule of Works shall be submitted to and approved by the Local Planning Authority. Such details, as approved, shall be fully implemented.

Reason: To ensure that the development preserves the Listed Building and the features of special architectural or historic interest which it possesses in accordance with paragraphs 129, 131 and 132 of the National Planning Policy Framework 2012.

- 5 The standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

Reason: To ensure that the development preserves the Listed Building and the features of special architectural or historic interest which it possesses in accordance with paragraphs 129, 131 and 132 of the National Planning Policy Framework 2012.

Contact: Lucinda Green