

REFERENCE NO - 18/501594/FULL		
APPLICATION PROPOSAL Erection of building for 6no. bed and breakfast rooms associated with The Potting Shed.		
ADDRESS The Potting Shed Sutton Road Langley ME17 3LZ		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal represents the expansion of an existing economic premises within the countryside for tourism purposes. The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would have an acceptable impact on the visual amenity of the surroundings. Subject to the imposition of conditions, the proposal would respect the amenities of occupiers of neighboring properties. The highways impact and parking provision for the proposal is considered to be acceptable. Other matters relating to construction impact, sewerage and archaeology can reasonably be dealt with by condition. The proposal therefore accords with local and national planning policy.		
REASON FOR REFERRAL TO COMMITTEE Langley Parish Council consider that the proposal will be an over development of the site. The loss of car parking spaces (during peak times at this public house) remains a cause for concern with cars spilling out and parking on the highway and/or pavement which is a detriment to highway safety.		
WARD Sutton Valence and Langley	PARISH/TOWN COUNCIL Langley	APPLICANT Elite Pubs AGENT John Bullock Design
TARGET DECISION DATE 29/06/18	PUBLICITY EXPIRY DATE 20/06/18	

Relevant Planning History

16/500692/FULL

Alterations and single storey extensions to provide kitchen and restaurant, food reception, refrigeration, pantry/store. Proposed new garden area and car park.
Approved Decision Date: 19.04.2016

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11/1731

Construction of an open sided shelter as shown on Drawing 260-02, scale 1:500 block plan and 12;50 site location plan and supporting Design and Access statement received on 10 October 2011
Approved Decision Date: 02.12.2011

96/1658

Minor extensions and alterations to public house including a new boiler house and new lobby as shown on dwg. nos. 137/02 05 07A 08 received on 13.12.96.
Approved Decision Date: 29.01.1997

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The proposal site is a public house that is located on the corner of Sutton Road and Horseshoes Lane within the parish of Langley. It on the eastern side of Sutton Road, and has 2 road frontages with a parking area behind.
- 1.02 The character of the immediate surrounding area largely consists of sporadic residential development and agricultural land; and for the purposes of the Development Plan, the proposal site is within the countryside.

2. PROPOSAL

- 2.01 Permission is sought for the erection of a structure to the southern boundary at the rear of the site to provide 6 bed and breakfast rooms. The buildings are shown as being constructed within the banked element of the site so that although they would stand a total of 5.8m in height, only 3.6m of the buildings would protrude above the existing ground level to their rear.
- 2.02 The buildings each house a bedroom, ensuite and wardrobe area with pitched roofs. The rooms are shown as finished with green roofs and vertical weatherboard cladding. Small high level windows at the rear provide for ventilation and light.
- 2.03 They are sited in a row and face onto the beer garden at the rear of the pub and to the rear of the neighbouring dwelling – Ridgemount - on land that is currently used as beer garden space
- 2.04 The existing permitted car parking layout and capacity is shown as unaffected by the proposals. A delivery track is additionally shown as accessing the rear of the pub from the car park.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SP17, SP21, DM1, DM30, DM37

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 4 representations received from local residents raising the following (summarised) issues

Objections (3)

- There is insufficient parking for the current pub and restaurant. The proposal would add to dangerous and chaotic parking.
- Foul sewerage is not clear – do not want a cess pit or septic tank near bedroom windows.
- Concerned about building technique and whether this would have an impact on neighbouring buildings.
- Concerned about light pollution from external lighting.
- Concerned about a power generator outside dwelling.
- Concerned about excessive noise and disturbance from the use.
- The area is becoming too industrial.

Support (1)

- Good design with minimal visual impact
- Although the building works might cause some disruption, long term it would be positive for the local economy, provide tourist accommodation, and help support local jobs.
- Useful to have restrictions on timings of building works

5. CONSULTATIONS

KCC - Minerals and Waste Planning Authority

5.01 The application details do not include a Minerals Assessment and does not discuss mineral safeguarding. However, it is clear that the development proposed is of a minor nature to an existing development in The Potting Shed, Langley (Public House). Therefore, it is the case that exemption criterion 6 of Policy DM 7 of the KMWLP is applicable and the Minerals and Waste Planning Authority has no further comments to make in relation to this application.

Kent Highways and Transportation

5.02 No objection subject to conditions regarding highways and parking impact during and after construction.

Kent Archaeology

5.03 No objection subject to a condition requiring an archaeological watching brief.

Environmental Protection

5.04 No objection

Langley Parish Council

5.05 Wish to see the application refused and referred to the planning committee. Will be an over development of the site. The loss of car parking spaces (during peak times at this public house) remains a cause for concern with cars spilling out and parking on the highway and/or pavement which is a detriment to highway safety.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Design and visual amenity
- Residential amenity impact
- Highways and parking impact

Principle of development

6.02 Policy SP17 of the local plan states that the countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. It requires that development proposals in the countryside are not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area.

6.03 Policy SP21 of the local plan states that the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. One of the ways through which this can be achieved is stated as '*supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37.*'

6.04 Policy DM37 of the local plan states that planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:

'i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;

ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;

iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and

iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.'

6.05 The NPPF states that *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

6.06 In terms of the rural economy, it requires planning policies and decisions to enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and
- sustainable rural tourism

6.07 The proposal is for 6 bed and breakfast rooms associated with the public house and as such represents the expansion of an existing economic premises within the countryside for tourism purposes. Therefore, provided that the scale and impact of the development is found to be appropriate to the location, then it would accord with policy SP21 and the NPPF.

6.08 As required by Policy DM37, if the resultant development is considered to be appropriate in scale for the location and can be satisfactorily integrated into the local landscape, would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access, will not result in an unacceptable loss in the amenity of the area, then it would be policy compliant and considered acceptable in principle.

Design and visual amenity

6.09 Policy SP17 permits proposals in the countryside where, in this instance, they accord with other policies in the plan and will not result in harm to the character and appearance of the area.

- 6.10 The general design principles contained within policy DM1 are reiterated in Policy DM30 which relates specifically to development within the countryside, and states that proposals which satisfy the requirements of other policies in this plan and create high quality design will be permitted. In particular, it states that:
- The type, siting, materials and design, mass and scale of development and the level of activity should maintain, or where possible, enhance local distinctiveness including landscape features;
 - Impacts on the appearance and character of the landscape should be appropriately mitigated.
 - Where built development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.11 Policy DM37 requires that new buildings required in connection with the expansion of rural business should be appropriate in scale for the location and be satisfactorily integrated into the local landscape and not result in an unacceptable loss in the amenity of the area. In particular the impact on the appearance of the development from public roads will be of importance.
- 6.12 The proposal has been designed and sited to take advantage of the change in levels of the site with the rear elevation of each room being submerged into the bank to the edge of the site and only the pitched roof and front elevation impacting visually on the site. The roofs have been shown with a sedum finish and the front elevation is clad in vertical weatherboarding. Additional bunding is shown to the front of the units, which would screen them from the activities within the beer garden. They would appear as a high quality development which respects the local environment and the topography of the site, and would present a low scale and low impact development.
- 6.13 The units are unobtrusively located, and due to their low scale would be naturally well screened by the surrounding bank and the proposed additional bunding. Given the design and siting of the development and its location within an existing beer garden, it would not have a detrimental impact on the appearance or character of the landscape.
- 6.14 The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would have an acceptable impact on the visual amenity of the surroundings. As such, it is considered to comply with policies DM1, DM30 and DM37 of the local plan.

Residential amenity Impact

- 6.15 Policy DM1 states that proposals should respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movement, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.16 Due to the design and siting of the units, there would be no impact on nearby residential dwellings through loss of daylight /sunlight / privacy or overshadowing. The units are shown as situated within an existing banked area of the garden of the public house in a semi-submerged position. Each unit contains a front door with a high level window above, and a high level window to the rear (for ventilation and light). Due to them being high level, the windows would not provide any outlook to the neighbouring dwellings, and the doors look towards the pub garden. Additional bunding is shown to the front and side of the development which would screen them from the activities within the beer garden, and would screen the neighbouring dwelling, Ridgemount, from the activity in the units.
- 6.17 The height of bunding has not been made clear on the plans, but this can be required through a condition relating to levels across the site (to make sure that it is neither too high or too low).
- 6.18 Concerns have been raised by a neighbouring occupier about excessive noise from the occupation of the units. However by their very nature, they would not facilitate large group occupation. Each unit contains a bedroom and bathroom with no 'socialising space' inside or outside. It is considered that the noise and disturbance from the development would be no greater than that from the permitted use of the land as a pub garden and therefore on balance, no objection could be raised in this regard.
- 6.19 To ensure occupation is kept to an appropriate level in terms of neighbouring amenity impact, it would be reasonable to impose a condition preventing amplified sound from the development. No other uses beyond the existing pub activities, and the proposed sleeping accommodation would be permitted through the proposal which is only for B&B accommodation.
- 6.20 It is not considered that there would be any additional impact through traffic movements from the proposal, as the parking for the units would be accommodated in the existing parking area.
- 6.21 A consultation comment has raised concern about the amenity impact of external lighting and noise from a generator (presumably to power the development). Excessive external lighting would have a detrimental impact on both neighbouring amenity and the character and appearance of the area and it would therefore be reasonable to impose a condition preventing external lighting without the prior approval of the Council.

- 6.22 Equally any plant, including a generator, could have a detrimental impact on neighbouring amenity and it would be reasonable to impose a condition to prevent any external plant being installed without the approval of the Council.
- 6.23 Subject to the imposition of conditions relating to amplified music, external lighting and plant equipment, the proposal would respect the amenities of occupiers of neighbouring properties in accordance with policy DM1 of the local plan.

Highways and parking impact

- 6.24 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by a proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards.
- 6.25 The proposal will be located on existing pub garden land and so will not result in additional trips as it will reduce the capacity of the use of the public house, resulting in a neutral highways impact. The use of the B&B units would be less transient than the use of the same area of land as a pub garden. The proposal does not alter the permitted parking layout of the pub, and provides for an additional delivery route at the rear of the property.
- 6.26 Kent Highways have raised no objection to the proposal subject to conditions regarding highways and parking impact during and after construction.
- 6.27 On balance therefore, the highways impact and parking provision for the proposal is considered to be acceptable and in accordance with the requirements of policy DM1 of the local plan.

Others

- 6.28 A consultation response has raised concern about the impact of the construction of the proposal given its proximity to a neighbouring dwelling. The integrity of the building works would be controlled through building regulations and as such, is not a material planning consideration. The impact of the construction works can reasonably be managed through a condition requiring a construction management plan which could control matters such as hours of construction work.
- 6.29 A consultation response has raised concern about sewerage and the location of facilities close to the neighbouring occupier. This can also be dealt with by condition requiring that details of the location of sewerage provision be approved by the Council.

- 6.30 Owing to the location of the site within an area of potential archaeological importance, Kent Archaeology Officer has requested details of a watching brief be submitted prior to the commencement of any works.

7. CONCLUSION

- 7.01 The proposal represents the expansion of an existing economic premises within the countryside for tourism purposes in accordance with local plan policy SP17 and SP21, and the NPPF.
- 7.02 The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would have an acceptable impact on the visual amenity of the surroundings. As such, it is considered to comply with policies DM1, DM30 and DM37 of the local plan.
- 7.03 Subject to the imposition of conditions, the proposal would respect the amenities of occupiers of neighboring properties in accordance with policy DM1 of the local plan.
- 7.03 The highways impact and parking provision for the proposal is considered to be acceptable and in accordance with the requirements of policy DM1 of the local plan.
- 7.04 Other matters relating to construction impact, sewerage and archaeology can reasonably be dealt with by condition.

8. RECOMMENDATION

GRANT planning permission 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 accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The approved details of the parking area and access shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

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(3) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and hours of operation of building works

Reason: To ensure the construction of development does not result in highway safety.

(4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

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

(5) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

(6) There shall be no amplified music played from the development hereby permitted.

Reason: in the interest of neighbouring amenity.

(7) No external plant or apparatus shall be installed in connection with the development hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual and aural amenity.

(8) The development hereby approved shall not commence until, details of the method and location of disposal of sewage have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of the building(s) or land.

Reason: To ensure adequate sewage disposal arrangements.

(9) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels, including bunding works, which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development..

Reason: In order to secure a satisfactory form of development.

(10) The landscaping and materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

(11) The development shall be carried out only in accordance with the following approved plans:
17095-P-01-B

Reason: in the interests of clarity

(12) The units shall only be used for bed and breakfast accommodation holiday purposes and for no other use. No occupiers shall stay in the development hereby approved for more than 14 nights at any one time and shall not return within a period of 2 months. A register shall be maintained of all occupiers on site. The register shall be available for inspection by the local planning authority on request.

INFORMATIVES

(1) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highwayboundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect

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Case Officer Joanna Russell