a) **DOV/15/00292 - Change of use and conversion to two dwellings (1x 5 bed and 1 x 4 bed), works to create car parking and erection of boundary treatment, including the demolition of existing lean-to, toilet block and outbuilding – Red Lion, Canterbury Road, Wingham**

DOV/15/00293 - Internal and external alterations to facilitate conversion into to 2 dwellings including the erection of party wall, blocking of existing doorway and insertion of new window to ground floor south elevation, demolition of existing lean-to, toilet block and curtilage listed outbuilding (Listed Building Application) – Red Lion, Canterbury Road, Wingham

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning permission be granted.

Listed Building consent be granted

c) **Planning Policies and Guidance**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses."*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Act 1990 requires that the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Core Strategy (CS) Policies

- CP1 – The application site falls within the Wingham Local Centre suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities

- DM1 - Development will not be permitted outside of the settlement confines

- DM4 – Reuse or conversion of Rural Buildings will be permitted for structurally sound, permanent buildings within Local Centres for commercial, community or private residential uses

- DM13 – Residential parking should be design-led and accord with the chart in 1.44

- DM24 – Retention of Rural Shops and Pubs. Permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub have failed.

Land Allocations Local Plan

- Annex 1 to the Plan draws on the District Heritage Strategy in order to provide guidance on preparing heritage statements to support planning applications.

Dover District Heritage Strategy

- An objective of the Strategy is to "ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used to positively support regeneration".

National Planning Policy Framework (NPPF)

- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report

- Paragraph 17 sets out 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.

- NPPF –proposals should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.

- Paragraph 28 of NPPF promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development

- Paragraphs 69-70 of NPPF seek to promote healthy and viable communities

- Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the national Planning Practice Guidance.

The Historic Environment in Local Plans; Good Practice Advice (GPA) (2015)

This document provides information to assist in implementing policies in the NPPF and the NPPG.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context as part of the evolution of the design.

d) **Relevant Planning History**

DOV/14/00858 and 00856 – for the conversion of the property into 6 self-contained flats. Withdrawn.

DOV/13/00766 – listed building consent for the creation of internal protected means of escape from first floor, upgrading of doors to meet fire regulations, internal lobby at ground floor level and associated works

TC/15/00049 – permission requested to remove the large horse chestnut from the site and the tree officer raised no objection, granting permission for the removal of the tree from a conservation area

e) **Consultee and Third Party Responses**

The applications were initially submitted as seeking permission for conversion to one four bedroomed house and three flats. They were subsequently amended to conversion to two houses and detailed revisions were then made to that proposal. Overall the applications have been subject to three rounds of consultation.

15/00293 – Listed Building Application

Parish Council: no objections

Historic England: determine based on national and local policies and on the basis of specialist conservation advisor.

Society for the Protection of Ancient Buildings: no response on revised proposals

Victorian Society/Georgian Group/Twentieth Century Society: no response

Ancient Monuments Society: No response on revised proposals

Third Party representations: 55 letters of objection have been received against the proposal – see planning application section below for details.

15/00292 – Planning Application

Parish Council: No objection

For information, the Parish Council objected to the application as originally submitted but raised no objection in response to consultation on the first amendment.

KCC Archaeology: Response awaited

KCC Highways: No objections in respect of highway matters. The proposals are unlikely to generate additional vehicle and pedestrian movements compared to the permitted uses of the site as a public house and letting rooms, and I note improvements are proposed to the visibility at the existing site access. Adequate car and cycle parking is also provided. The following should be secured by condition:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of the measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway as shown on the submitted plans.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the access alterations shown on the submitted plans prior to the use of the site commencing.

In addition an informative is recommended to advise of the need to obtain all necessary highway approvals and consents

Society for the Protection of Ancient Buildings (SPAB): would greatly prefer to see this building retained in a publically accessible use.

Ancient Monuments Society: Defer to conservation team

Third Party representations: There is an overlap in the comments made on both applications. Overall, there are some 61 letters of objection to the planning application and 55 to the listed building consent. The large majority of these were submitted in response to the first consultation with only 7 (3 for the planning application and 4 for the LBC) submitted in response to the second and third consultations. In summary, those letters of objection raise the following concerns:

Community Asset

- The building should be used by and made available for the community
- The proposal would mean the loss of an Inn and an important community resource, community hub and meeting place
- The proposal would diminish community life
- The pub has a cultural heritage value
- The pub was the heart of village life
- Pubs are an essential part of the social fabric of village life and community togetherness
- It is a beautiful building which should be open to the public
- Functionally important part of Wingham
- Tourist attraction and village landmark
- Local community denied access to a historically important building
- Flats or private houses are of no cultural benefit to the community
- The Dog Inn is not a true pub and the Anchor, whilst successful, encourages live music and is not conducive to a quiet chat or meal

Economic Impact

- place for visitors to stay and contribute to the local economy
- The proposal would affect the local economy
- loss of employment

Viability

- The pub was intentionally made non-viable and was poorly managed
- The pub could be viably operated and better managed
- Not enough effort to sell building as a going concern
- Other successful pubs in the area such as Duke William in Ickham
- Far from proved that it is not commercially viable

Heritage

- It forms part of one of the finest rows of medieval buildings in the country and is historically significant
- The proposals would harm the historic fabric of a grade II* building.
- The proposal would affect unique and significant features of the interior
- One of the few 'peculiars' in the country
- Best way to preserve is to keep as a whole
- The pub houses historic artefacts and memorabilia

Other concerns

- Once lost the pub use will not return
- There are other DDC schemes to increase housing stock in the area
- There will be a loss of parking to the village
- The building has been a pub for many years
- Building regulations could not be complied with [without significant damage to interior]
- The proposed layout is illogical regarding access to bathrooms in House 1 and access to House 1 (kitchen only accessible from parking via lounge)

f) 1. **The Site and the Proposal**

Site

1.1 The Red Lion is a large detached building on a prominent junction within the core of the village of Wingham. It was recently used as a public house, but more recently it has been vacant. It became vacant at the beginning of 2014, and has remained vacant since.

1.2 The Red Lion was listed in 1952 at grade II* and is a timber framed building originating in the 15th Century with significant additions and alterations in the following four Centuries. The building has a possible 13th Century brick lined cellar from an earlier construction on the site. The list description notes that the inn was also utilised as the Sessions House until 1883 (an early 18th Century Sessions book is mentioned in the listing and can be found in the public bar).

1.3 The building is located on a highly important historic route; the road from the Cinque Port of Sandwich to Canterbury. The Red Lion has a double jetty (where the first floor overhangs the ground floor), is rendered with a Kent peg roof and is a dominant building in the streetscene. Internally the timber frame

is exposed to ground floor level, which allows the construction of the double jetty to be appreciated. Other features of high significant interest are the 18th Century staircase and two large rooms to first floor facing the Canterbury Road, one of which has an octagonal crown post roof structure and stone fireplace (noted as the Sessions Room in the list description).

1.4 The mid 19th Century saw further extension to the rear of the medieval building along the High Street, with a two storey red brick structure formally the stables with public room over. At ground floor no evidence of the stable remains whilst at first floor the original full height open space has been subdivided. The roof structure remains visible. Further alterations to the listed building which resulted in the loss of historic fabric include the removal of partitions at ground floor level to create the large open plan bar area and most recently the erection of partitions to form a fire lobby enclosing the 18th Century staircase.

1.5 The outbuilding proposed for demolition shows on historic maps dating to the mid/late 19th Century. It is constructed of brick and internally retains a single stall for a horse. It has been much altered in the past, including the replacement of the floor with concrete, the raising of the external walls and replacement of the roof with a flat roof construction. It has been built up against the neighbouring boundary wall and is suffering considerably from damp ingress and vegetative growth.

1.6 The application site falls within the Wingham Conservation Area. The historic core of the conservation area is centred along the wide linear High Street, with the Church and notable medieval buildings relating to Wingham College located along the Canterbury Road and slightly divorced from the tightly knit built form of the High Street. The Red Lion straddles the two areas and due to its architectural form and stature makes a significant contribution to the character and appearance of the conservation area.

Proposal

1.7 The proposal comprises the change of use and conversion of the building to one 5 bedroom house (hereinafter referred to as House 1) and one 4 bedroom house (House 2) and the internal and external works to facilitate the change of use.

1.8 The change of use and conversion of the building to two dwelling houses would accommodate sitting, dining, kitchen/breakfast and other ancillary rooms on the ground floor of both properties with 4 bedrooms on the first floor of House 2 and 5 bedrooms in House 1. The majority of rooms in House 1 are already extant.

1.9 The drawings have been amended from their original submission. As initially submitted, the proposal was for one 4 bedroom house and 3 self-contained flats. This was considered too harmful to the historic character and fabric of this building and the proposal was amended to 2 houses as it now stands. Subsequent detailed revisions have, however, been made which were subject to consultation. The application has, therefore, overall been subject to three periods of consultation.

1.10 The external works proposed include:

- the demolition of a late lean-to extension adjoining the 19th Century addition to the listed building, demolition of the outbuilding and demolition of the modern late 20th Century single storey toilet block addition to the west elevation.

- Conversion of the carpark to garden space for the two houses. It will also accommodate parking for 5 cars; two per house and one guest parking bay. The hardstanding for the drive and car parking will be laid to concrete block paving.
- the provision of close board fencing and brick wall to delineate the two private gardens.

1.11 The internal works proposed in House 1 include:

- the removal of the modern bar and seating and the erection of new partitions to ground floor to form two reception rooms
- the removal of a modern fire lobby and glazing at ground floor level
- the creation of a wc at ground floor level
- the provision of fire/sound protection at both ground and first floor level between House 1 and 2.

1.12 The internal works proposed in House 2 include:

- the removal of an existing 19th Century staircase and the provision of new staircase
- the reconfiguration of the partitions in the 19th Century addition which are all modern, to create a new kitchen, utility room, dining room, study and entrance/stair hallway at ground floor level; 3 bedrooms, landing and closet at first floor level
- the creation of a wc at ground floor level
- the blocking of an existing doorway at ground floor level and creation of a new opening where the 19th Century staircase has been removed

1.13 The proposal would involve the loss of a horse chestnut, however the tree officer advised that the tree is dying and can be removed and permission was granted for its removal in 2015.

2. **Main Issues**

2.1 The main issues are:

- The principle of the change of use from a public house to two dwellings
- The impact of the proposals on the designated heritage assets
- The impact on residential amenity
- Highway and parking and Other Matters

Principle

Loss of use as a public house

2.2 The starting point for considering this issue is the relevant policies in the Development Plan. The Core Strategy, through Policy CP1, identifies Wingham as a Local Centre in the Settlement Hierarchy in recognition of its size, range of services and role that it plays in providing services to adjacent communities in addition to its home population. Supporting paragraph 3.10 in the Core Strategy notes the key services associated with designated rural settlements (including Local Centres) and this does not include public houses. The policy requires the location and scale of development to comply with the Settlement Hierarchy in that it is proportionate to the category of settlement and the function it performs. Paragraph 3.12 states that the policy will be used to inform development plan making decisions and decisions on planning applications. The issue raised by the planning application (15/00292) is whether loss of the public house use would jeopardise the role of Wingham as a Local Centre.

2.3 The Core Strategy specifically considers the issue of the retention of rural shops and pubs under DM24 and the outcome of an assessment under this policy is very relevant to reaching a conclusion under Policy CP1.

2.4 The supporting text to Policy DM24 provides guidance on assessing the loss of a public house and its impact upon village communities. Paragraph 1.77 states that account will be taken of the public house's importance to the community that it serves and the range of other facilities and services that would remain. Permission for alternative uses will not be given if the community would be left without any local shops or facilities, or the range would be seriously diminished, unless the applicant has established that a pub use is no longer commercially viable.

2.5 The applicant has submitted information to address Policy DM24. The applicant considers that, if permission is given, the village would still be well served by the range of remaining facilities. The applicant notes these as:

- Two other public houses in the village (The Dog Inn and the Anchor). Both offer food and drink, in common with the services previously offered by the Red Lion, are within walking distance of the different parts of the village and are no less convenient for the community. The Dog serves morning coffee and afternoon teas, has eight rooms for bed and breakfast customers and facilities for private functions. The Anchor provides a programme of live music and other entertainment and has facilities for functions.

- A primary school

- A parish church

2.6 The Council's 2014/2015 Authority Monitoring Report was approved by Cabinet in December 2015. It considered the range of services and facilities available in rural settlements and, in summary form, verifies the range in Wingham identified by the applicant and expands on this listing a post office, shop/s, village hall, medical facilities and other community facilities. More recently one of the shops in the village is now being run as a coffee/tea shop.

2.7 Whilst the proposed loss of the public house is regrettable it can be seen from the above that the village would still be served by two public houses – The Dog Inn and The Anchor and a good range of other facilities. The issue is therefore whether the proposed loss of The Red Lion as a pub would seriously diminish the range of facilities in Wingham and thereby harm the economic and social viability of the community. Seen against the range of facilities that would remain (including two other public houses) it is not considered that the proposal would result in harm to the social and economic viability of the community as referred to in Policy DM24 and amplified in paragraph 1.77. On this basis, it is not necessary to address the second part of Policy DM24 regarding whether the pub use is no longer commercially viable and that genuine and adequate attempts to market it have been made. However, the applicant has supplied a marketing exercise carried out by Sidney Phillips which began 21 May 2015. A report was submitted 27 October 2015 and a subsequent report submitted 29 February 2016. In brief, the report showed that whilst there was some modest interest in the property, none of the 4 viewings of the property in this time, produced any offers on the property. Whilst this marketing exercise does not meet the Council's draft "Marketing Guidelines" in that it was primarily internet-based and did not include advertisement in a local paper, the Guidelines (which do not have any formal status) were produced many years ago prior to the current extensive use of

the internet for property marketing. In addition, Sidney Phillips is a firm of chartered surveyors that specialises in the sale of pubs and will be attuned to the most effective means of marketing. The firm operates in England and Wales but its marketing extends beyond this owing to the use of the internet. On this basis officers are content that the marketing undertaken was adequate and sufficient to meet the terms of paragraph 1.78 in Annex 1 of the Core Strategy.

2.8 The reasons for not making an offer stated in the marketing report as given by the individual viewers were as follows:

- the ground floor does not provide enough space for sufficient covers and the expenditure to make the building compliant with building regulations is too high.
- too much work required to get the business back up and running
- too much investment required to run as a public house with letting rooms
- too much competition in local area. Unable to obtain funding

2.9 It should be noted that when last in operation as a pub, only three rooms were lettable owing to Fire Regulations restrictions. These rooms were made Fire Regulation compliant through the 2013 listed building consent application. This represented the extent of fire resistant works that were likely to gain listed building consent and therefore meant that the remaining rooms could not be used for commercial letting. Therefore, when the marketing exercise was carried out, it was on the basis that only three of the six rooms would be lettable with the obvious implications for potential revenue.

2.10 It is concluded from the above that in relation to Development Plan policy the proposed loss of the public house use would not cause harm as envisaged under policy DM24. Taking this into account, together with the point that although the number of pubs in Wingham will reduce, the range of facilities will remain and that, in any event, pubs are not noted in paragraph 3.10 of the Core Strategy as key facilities for designated rural settlements, it is concluded that the proposal would not jeopardise the role of Wingham in a way that runs counter to policy CP1 and its role as a Local Centre in the Settlement Hierarchy.

2.11 It next needs to be considered whether there are any material considerations that would alter these conclusions. The material considerations consist of the NPPFand any other matters raised by third parties.

2.12 The fourth bullet point of paragraph 28 in plan making in the NPPF, seeks planning policies to promote the retention and development of local services and community facilities in villages and, amongst other uses, refers to public houses. The Council has such a policy basis in policies CP1 and DM24 although this was written prior to the NPPF.

2.13 Paragraphs 69 and 70 relate to promoting healthy communities. The first bullet of paragraph 70 relates to planning positively for the provision of, amongst other things, pubs and appears more directed towards plan making where it is addressed through Policy CP1.The second bullet relates to guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The proposed change of use to residential would, if implemented, reduce the facilities available to Wingham but it needs to be taken into account that the premises are not currently trading as a pub and have not done so

since the closure of the pub in early 2014. No specific evidence has been put forward to show that the community is less able to meet its daily needs as a result of closure although there is a considerable volume of public representation to indicate that it was/is a valued facility. The conclusion from this is, therefore, mixed but does not amount to such a clear and compelling consideration as to outweigh the positive assessment under Development Plan policy.

2.14 The Red Lion was nominated and added to the List of Assets of Community Value (ACV) in May 2015 but was removed through appeal in August 2015. ACV considerations are therefore not material to this case at the time of writing this report.

2.15 Public representations in objection to the proposed change of use raise several other points:

It has been pointed out that whilst there would be The Anchor and The Dog Inn remaining, they do not offer a “traditional pub atmosphere” for a quiet drink. The Anchor encourages live music and has a more lively atmosphere and The Dog Inn is more geared towards a restaurant. They suggest that the loss of the Red Lion would harm the range of pubs available to the village and surrounding areas. The term "range" is given no special meaning in the Core Strategy (DM24) and should be understood in this context by the ordinary definition of a series of things. If the Core Strategy had intended the meaning to include variety with the type of facility, it would have needed to make this plain as it is a much more onerous test. It is not therefore accepted that the proposal would cause harm within the meaning of the policy. In any event, the planning system cannot control the format of pub management. In other words the planning system cannot ensure that, if the Red Lion was brought back into use as a pub, it would provide a “traditional pub atmosphere”.

2.16 A number of representations state that the Red Lion would still be a viable pub if run independently of a national brewery. DM24 has two parts which, if the first part can be complied with, the second does not need to be considered. It has been put forward in representations that the marketing information supplied by the applicant does not adequately demonstrate that a pub use is no longer commercially viable and that sufficient and genuine attempts to market the premises have been made and have failed. This case is made primarily on the basis that the applicant's information is predicated on a failed model of the tied pub. The representations suggest that Punch Taverns imposed impossible restrictions and pricing on the previous publican and forced the business to fail, then selling the property off at a reduced rate. Officer assessment is that as the proposal has not been found to cause harm under the first part of the policy there is no need for it to be assessed against the marketing criteria in the second part of the policy. Nevertheless, in seeking to address the policy the applicant has submitted marketing material relating to his attempt to market the property following Officer advice. This material appears to comply with the requirements in paragraph 1.78 of the Core Strategy in that it was carried out by an appropriate specialist agent for an adequate period of time but, given the officer assessment that this is not a determining factor this has not been scrutinised in detail by a third party specialist.

2.17 Some representations mentioned the loss of local employment opportunities should the pub be lost. No numbers of possible employees have been given or the number of employees at the time the Red Lion was operated as a pub. As such, little weight can be given to this point raised in the objections.

2.18 Several representations referred to the Red Lion as a draw for tourists, and a place in which visitors to the area could stay and that its loss would have an impact on the local economy in relation to tourism and the money they spend locally. This aspect of the rural economy is discussed in 3.28 of the NPPF which seeks to promote the retention and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. As previously mentioned CP1 and DM24 of the Core Strategy, which predate the NPPF, cover the majority of paragraph 3.28. However, there is nothing within the current Core Strategy which addresses rural tourism and the economic benefits which are derived from this. Currently, Wingham has at least 13 lettable rooms in B&Bs between The Dog Inn, The Old Butchers B&B and The Old Ship. The Red Lion could increase this total by 3 in its current layout and under the restrictions of the fire regulations. While this might be a useful addition no information has been submitted to demonstrate the contribution that the Red Lion made to rural tourism and the village or that in the period since its closure visitor revenues have dropped off in a measurable way. The observation that there is a further demand for lettable rooms in Wingham has not been backed up by any further information. The point is therefore a very generalised one and, in the absence of any hard evidence, does not provide a basis for refusal.

2.19 Overall, it is concluded that material considerations do not alter the assessment against development plan policies.

Change of use to a Dwelling

2.20 As set out in the previous section, Wingham is classified as a Local Centre in the Settlement Hierarchy in Core Strategy Policy CP1 and is a suitable location in the rural area for residential development. In order to help operate the Hierarchy, Policy DM1 identifies settlement boundaries beyond which countryside protection policies apply and subject to specified exceptions, development will not be permitted. The application site falls within the settlement confines for Wingham and is an appropriate location for the creation of new dwellings. The proposals do, however, need to be acceptable in all other relevant planning respects.

2.21 Policy DM4 relates to the re-use or conversion of rural buildings. The first part of the policy states that permission will be given for the re-use or conversion of structurally sound, permanent buildings within Local Centres (amongst other settlements) for commercial, community or private residential uses. There is no evidence to indicate that the building, the subject of this proposal, is not structurally sound or a permanent structure and it is therefore concluded that proposed conversion to residential use is consistent with this policy.

2.22 The proposed change of use is therefore in accordance with the relevant development plan policies for housing.

2.23 With regard to material considerations, NPPF paragraph 47 sets out the Government's general objective of boosting the supply of housing through plan making and the maintenance of a five year supply of housing land. Paragraph 49 in the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development (itself set out in paragraph 14 of the NPPF). It also states that relevant policies for the supply of housing should not be considered up-to-date if there is not a five year housing land supply. The District does not have a five year housing land

supply. Paragraph 51 requires local planning authorities to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies.

2.24 The proposal would make a minor contribution towards boosting the supply of housing in circumstances where the District does not have a five year supply of deliverable housing sites and it is consistent with paragraph 51 of the NPPF in that it represents bringing an empty building into residential use in line with policy DM4.

2.25 The proposed residential use is therefore consistent with the NPPF's housing policies. An assessment of the proposals under the presumption in favour of sustainable development is undertaken at the end of this report.

2.26 Representations have mentioned the other housing schemes in the Wingham area however, while the Plan allocates sites for housing developments of more than 5 dwellings, this does not preclude further windfall proposals being permitted for conversions to residential or the redevelopment of suitable sites elsewhere within the settlement confines. None of these matters therefore alter the assessment above in relation to the relevant housing policies in the development plan and the NPPF.

Designated Heritage Assets

Listed Building

2.27 The Red Lion is an inn of medieval origins which retains architectural and historic form and fabric to a very high degree both externally and internally. Features that have been noted as being of significance to the special interest of the listed building have been identified in sections 1.2 to 1.4.

2.28 The external alterations are limited to the demolition of the modern toilet block, the later single storey addition to the rear of the building and the addition of a window within the (revealed) original 19th Century elevation. The modern block and single storey addition do not contribute to the significance of the listed building. The insertion of an appropriately detailed window is considered acceptable.

2.29 Internally, the modern fire partitioning to ground floor would be removed, which would open up and better reveal the 18th Century staircase. The proposal also seeks to erect a party wall along the line of an existing partition at first floor and between existing joists at ground floor level. Details of the proposed wall have been submitted with the application which demonstrate there will be no direct impact on historic fabric but will result in a minor alteration to the historic planform. The wall at ground floor would be located directly beneath the existing at first floor, rather than on the junction between the medieval building and the 19th Century addition; whilst this would affect the historic planform it would not prevent the development of the listed building from being legible. However this is in order to prevent more extensive works that would be required with a flying freehold. The proposed works are considered acceptable as having the least possible intervention into the fabric.

2.30 Further partitions are proposed at ground floor level to House 1 to form an entrance hallway and separate the existing open plan space into two rooms; these partitions will be located where mortice evidence indicates an original division thus reinstating the lost historic planform.

2.31 Internal works also include alterations to the existing layout of the 19th Century two storey rear addition to form House 2. These would include the removal of

a staircase which is considered to be of limited interest to the significance of the listed building and its removal would therefore cause no detrimental harm.

2.32 The 19th outbuilding proposed for demolition has been significantly altered in the past. The dampness caused by being built up against the neighbouring boundary wall, and possibly exacerbated by the flat roof and vegetative growth, is damaging the brickwork to the extent that it is probable that full rebuild would be required should it be retained. The contribution of the outbuilding to the significance of the listed building is considered to be negligible and its demolition would cause no harm to the reading or understanding of the listed building.

Conservation Area

2.33 As noted above The Red Lion makes a significant contribution to the historic and architectural character and appearance of the conservation area by virtue of its architectural and historic form and prominence in the street scene. The proposed external works which would be visible from the public realm, the demolition of the single storey rear addition and the outbuilding, would have no impact on the conservation area as it has been recognised that the structures do not contribute to the historic or architectural significance of the listed building. The proposal does not include the removal of the existing modern pub signage but includes the provision of a new boundary wall at the rear entrance to the site. The side elevation of the listed building is blank brickwork at ground floor level and the proposed wall will therefore be in keeping with the context of the site. A condition requiring sample bricks and a sample panel has been recommended to ensure the wall is appropriately detailed. Consequently it is considered that there will be no harm on the character or appearance of the conservation area.

2.34 The Red Lion is located within an area of mixed residential and commercial properties lining the High Street and Adisham Road. The listed building is currently not being maintained as a public house and the loss of the use to a dwelling would not materially affect the character within the local community.

Conclusion on impact on designated heritage assets

2.35 The proposed works will have no impact on any features which contribute to the significance of the listed building or the character or appearance of the conservation area, and will have limited harm on the historic planform of the listed building. The proposed new party wall to ground floor has been designed to have least impact possible on historic fabric and on balance is considered to be appropriate in respect of the significance of the listed building. Consequently it is considered that the works are considered to be of less than substantial harm as defined by paragraph 134 of the NPPF.

2.36 In addition, paragraph 131 of the NPPF states that in determining planning applications local planning authorities should ensure that the conservation of the heritage asset is consistent with their use. The listed building has not been in use as a public house for some considerable time and the proposed use will, by bringing it back into use as two dwellings, ensure the continued preservation of the listed building and therefore meets the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently the proposal would provide a wider public benefit through the maintenance and management of this designated heritage asset.

Residential Amenity

2.37 The second set of amendments to the proposals revised the garden and parking arrangements in order to overcome officer concerns regarding the parking layout and the size and shape of the garden for the larger house. The proposals are now considered to be acceptable in these respects.

2.38 The development site, being within the heart of the village, forms part of a tight street layout with residential and commercial properties to 3 sides of the site. However, as there are no new windows or other openings proposed, there would be no material increase in impact or harm through overlooking and interlooking between the proposed dwellings and the existing adjacent/nearby dwellings.

Highways and Other Matters

2.39 It is not considered that there would be an increase in highway and pedestrian safety concerns as the comings and goings of vehicular activity from 2 dwelling houses are not considered to be any worse than those from a public house. The proposal includes the provision of 5 parking bays which would meet the requirements of DM13. KCC Highways are seeking conditions that would ensure all aspects of this part of the proposal comply with KCC regulations.

2.40 The proposal reduces the degree of hardsurfacing on the site and therefore it is unlikely that further surface water flooding would occur from the proposed use. Conditions can be imposed which would ensure there is no discharge of surface water from the site onto the highway.

2.41 The proposal involves the loss of a dying tree. Landscaping proposals are included but in view of the location of the lost tree to the rear of the site, away from the public realm, it is not considered a replacement for it would be reasonable. The landscaping proposals for private and semi-private amenity space as submitted are considered to be acceptable.

Overall Conclusion

Planning application DOV/15/00292

2.42 It has been concluded that the heritage aspects of the planning application comply with the legal duties relating to conservation areas. With regard to the listed building's legal requirement it has been identified that none of the proposed works would have an impact on features that contribute to the special architectural and historic interest of the listed building and that limited harm would be caused to the historic planform. This harm has been identified as less than substantial as defined by paragraph 134 of the NPPF, and the public benefits of bringing the listed building back into use is considered to outweigh the limited harm caused by the works proposed. Special regard has been paid to this aspect and it is considered that the legal duty has been met.

2.43 The assessment has also shown that the planning application is in accordance with Development Plan policies and should be approved unless material considerations indicate otherwise.

2.44 In relation to material considerations an overall assessment needs to be made of the proposal against the NPPF's presumption in favour of sustainable development. The presumption itself is set out in full below.

2.45 "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

  – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  – specific policies in this Framework indicate development should be restricted.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of- date, granting permission unless:

  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

- For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest;
- land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.
- Unless material considerations indicate otherwise."

2.46 It is the second part of the presumption regarding decision taking that needs to be focused upon. The assessment in this report has shown that the proposals are in accordance with the development plan and, under the first bullet in the decision taking section of the presumption, should be approved. As, however, the District does not currently have a five year housing land supply the relevant housing policies are deemed out-of-date and the second bullet point must be considered. The assessment in the report has considered NPPF policies and has found the loss of the pub use to be neither clearly in accordance with or contrary to the NPPF. The proposed change of use to residential would be in accordance with NPPF housing policy and offer a modest benefit. The assessment concludes that the proposals are acceptable in relation to amenity considerations.

2.47 The assessment of the heritage aspects of the proposal (which is a specific policy consideration) show that the works would have no impact on features which contribute to the significance of the listed building and a minor impact on the historic planform. The works therefore constitute less than substantial harm and the consideration as required by paragraph 134 of the NNPF needs

to be had as to whether there are public benefits to the proposal that would outweigh the harm. The public benefits offered by the scheme are bringing the listed building back into use against an otherwise uncertain future with associated prospect for its future maintenance and the modest but useful contribution to housing supply. The proposed changes to the appearance of the building will have no impact upon the street scene and will consequently preserve the character and appearance of the conservation area. This assessment does not therefore indicate that development should be restricted.

2.48 In conclusion, the application is considered to be in accordance with the development plan and should be approved unless material considerations indicate otherwise. Assessment under the NPPF, a main material consideration, shows that the adverse impacts of the proposal (the reduction in the community's ability to meet its daily needs) are not clear-cut and are outweighed by the identified benefits. The NPPF's heritage policy does not show that development should be restricted. The other material considerations that have been raised do not provide grounds for refusal. It is therefore recommended that planning permission is granted.

Listed Building Consent DOV/15/00293

2.49 Subject to the imposition of the recommended conditions it is considered that the proposal satisfies the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.50 The proposed works will, when considered under NPPF policy, cause less than substantial harm to the special interest of the designated heritage asset. Bringing the building into use after a period of vacancy and creating a more positive outlook for its future maintenance is considered to be a positive public benefit. In addition, the creation of two dwellings would make a small but useful contribution towards housing supply. These benefits are considered to outweigh the limited less than substantial harm that has been identified. In addition, the assessment has also shown that the proposals offer some benefits to the listed building.

2.51 In conclusion, the proposal satisfies the relevant legal and policy requirements and listed building consent can be granted.

g) **Recommendation**

I In respect of DOV/15/00292 PLANNING PERMISSION BE GRANTED, subject to conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) materials to be submitted, iv) Details of cycle and refuse storage areas shall be submitted to and approved in writing by the local planning authority and put in place before the first occupation of the dwellings commences and maintained for such purposes thereafter, v) sample panel of brickwork to show bonding, type and style of pointing, for the proposed boundary wall, vi) any conditions requested by KCC Highways, vii) any conditions requested by KCC Archaeology..

II In respect of DOV/15/00293 LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) The works shall not be carried out otherwise than in accordance with detailed drawings; iv) such drawings to be submitted to and approved by the Local Planning Authority in writing to show details of any mechanical

ventilation, flues, soil vent or other pipes and joinery details for new window; v) no cleaning of internal or external timbers, vi) the Sessions Book will remain *in situ* and shall not be removed or relocated without formal approval from the local planning authority.

III Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning permission/listed building consent conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Andrew Wallace