

4.3 18/03369/FUL

Revised expiry date 11 February 2019

Proposal: Provision of external bar to wider site associated with The Lion.

Location: Lion Hotel, High Street, Farningham DA4 0DP

Ward(s): Farningham, Horton Kirby & South Darent

Item for decision

Councillors McGarvey and Carroll have referred the application to Development Control Committee due to the impact of the proposal on the Listed Building and the Conservation Area in accordance with Policy EN1 of the Sevenoaks District Council's Allocations and Development Management Plan and the National Planning Policy Framework.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The proposed materials should match the materials stated within the application form and the supporting statement.

To ensure that the appearance of the development is in harmony with the existing character of the EN1 as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 4367-004 B, 4367/003, 4367/701, 4367-005, 4367-204

For the avoidance of doubt and in the interests of proper planning.

4) The use of the external bar shall only occur during the hours of: Sunday-Thursday 1100-2200 and Friday-Saturday 1100-2230

To safeguard the amenities of local residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

5) No outdoor music shall be played in the front beer garden or seating area at any time.

To safeguard the amenities of local residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the first use of the external bar details of how the bar will be serviced shall be submitted to and approved in writing by the local planning

authority. The use of the bar shall be in accordance with approved details thereafter.

To safeguard the amenities of local residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) Details for condition 6 shall include the method of disposal of bottles from the bar and should include the use of rubber wheels on bottle bins/skips.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of Proposal

- 1 The application seeks permission for the provision of an external bar to serve the existing external seating area of The Lion. The bar is to be located in front of the front elevation of the hotel.
- 2 The bar is already present on site and the applicant is seeking its retention. It has been on site for a considerable time, however has been in storage at the rear of the hotel. The exact time in which this has been on site is not known, but consent for the bar was granted at appeal on 19 April 2007 following an appeal against an enforcement notice to remove the bar structure.

Description of Site

- 3 The building is a detached public house and hotel located within Farningham High Street. The site is surrounded by residential and retail units. The application site is located within the parish of Farningham.

Constraints

- 4 Grade II Listed Building
- 5 Kent Downs Area of Outstanding Natural Beauty (AONB)
- 6 Conservation Area
- 7 Metropolitan Green Belt
- 8 Area of Archaeological Potential

9 Flood Zone 2

Policies

10 National Planning Policy Framework

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

11 Core Strategy--

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- LO8 The Countryside and the Rural Economy

12 Sevenoaks Allocations and Development Management Plan-

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- EN7 Noise Pollution

Other

13 Farningham Conservation Area Appraisal

14 Countryside Character Assessment SPD

15 Development in the Green Belt SPD

Planning History

16	05/02620/LDCEX	Existing operation. Garden Bar	Refuse	09/12/2005
	06/00154/FUL	Erection and use of	Refuse	06/06/2006

temporary mobile garden
bar (Retrospective
application)

- 17 Planning permission was refused under application 06/00154/FUL and an enforcement notice was issued for the removal of the external bar. The enforcement notice was appealed and the appeal was allowed and therefore the enforcement notice was quashed and the bar was permitted to remain.

Consultations

Farningham Parish Council--

- 18 Objection-Effect on Listed Building and Conservation Area. A similar application was refused in June 2006 as the external bar was considered incongruous to its setting within the Farningham Conservation Area with within the curtilage of a listed building as well as to the Green Belt, Special Landscape Area and AONB. The current application does not change that incongruity, given the positioning remains to the front of the building, and so all the reasons still exist for its previous objection. Disturbance resulting from use. An external bar situated to the front of the building would encourage late night drinking outside, near residences. If the application was for an external bar in the car park area, then we would be more supportive. It would not impact the Listed Building or cause unnecessary disturbance.

Environmental Health-

- 19 In order to protect nearby residents from potential noise nuisance, we would suggest the hours of operation of the external bar are controlled. We would suggest the following opening hours:

Sunday-Thursday 1100-2200

Friday-Saturday 1100-2230

Bottle skips are to be fitted with rubber wheels to reduce noise when being removed from the bar.

SDC Conservation Officer--

- 20 The Lion Inn is a grade II listed building originating in the 16th century and with extensive later additions. Attached to the east of the inn is a listed (former) stable building of the mid 19th century. The two designated heritage assets occupy an attractive river-side garden setting which makes an important contribution to their significance and to the locally distinctive qualities of the Farningham Conservation Area. Para 200 of the NPPF requires works with the settings of listed buildings to 'enhance or better reveal' the significance of the designated heritage assets. In this case, the relocated bar is a diminutive mobile structure with a modest visual presence and it can be easily moved. The proposed, rather prominent location is not entirely welcome with the conservation perspective and the relocated cabin neither enhances or better reveals the significance of the adjacent listed buildings. However, it is acknowledged that the purpose of the structure complements the present, sustainable use of the designated heritage assets

and that its ephemeral presence causes no permanent harm to their significant. In consequence, there is no objection in terms of Policy EN4.

Representations

21 Three objections were received and the following issues were raised:

- Hours of operation
- Out of context to the Listed Building
- Noise
- Signage

Chief Planning Officer's Appraisal

22 The main planning considerations are:

- Impact on Metropolitan Green Belt
- Impact on the Conservation Area and Listed Building
- Impact on Area of Outstanding Natural Beauty
- Impact on the character of the area
- Impact on residential amenity
- Very Special Circumstances

Impact of the Metropolitan Green Belt

23 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

24 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.

25 The proposal would be an inappropriate addition to the Metropolitan Green Belt and therefore does not comply with the NPPF.

Impact on the Conservation Area and Listed Building

26 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

27 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).

- 28 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 30 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 31 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 32 The Lion Hotel is a Grade II Listed building and is located within the Farningham Conservation Area. As stated within the Conservation Area Appraisal, the lands surrounding the Lion Hotel have key features within the character of the conservation area. The importance of the red brick elevation of the hotel also plays a key feature and overall is important due to its prominent settings within the area.
- 33 The proposal would not alter these features and would represent a modest addition to the built form of the site. The development would therefore conserve the character of the Conservation Area.
- 34 The Conservation Officer has also provided comments in relation to the impact of the development on the setting of the Listed Building and has stated that it would be an acceptable addition and not harmful to the listed building.
- 35 The bar would be a movable structure which would not be positioned against a listed building and therefore structurally would not impact the building. The bar would be a minimal addition in relation to the scale of the site and hotel itself. The materials already vary on site and therefore the addition of this to the front of the hotel would conserve the setting of the Listed Building.
- 36 The proposal complies with Policy EN4 of the ADMP.

Impact on the Area of Outstanding Natural Beauty

- 37 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Area of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.

- 38 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 39 Policy EN5 of the ADMP states that proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 40 The application site is located in Farningham which is within the Kent Downs Area of Outstanding Natural Beauty. The site is surrounded by both residential and retail units which vary in scale and design. The proposed bar would be a minimal addition to the site in relation to the form and bulk of the building on the application site. Due to this, the proposal would not be a prominent addition to the landscape and would preserve the character of the AONB. The proposal would be within the confines of the existing development of the site and would not be out of keeping. The proposed use of the materials would be sympathetic to the site and the overall character of the area.
- 41 The proposal would therefore conserve the character of the area and complies with Policy EN5 of the ADMP.

Impact on the character of the area

- 42 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP states that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 43 The Lion Hotel is a public house and hotel located within the centre of Farningham. The area consists of both retail and residential units. The site fronts the High Street and Dartford Road. The character of the area varies.
- 44 The proposed bar would be located within the existing outside seating area of the application site and is to be positioned against the backdrop of the front elevation of the Lion Hotel. The bar would be visible within the street scene, however as it is set in and at a distance of approx. 18 metres from the highway it would not be detrimentally harmful.
- 45 The bar would be a sympathetic addition to the site in relation to the scale of the building as it would be a moderate size of 3 metres in width and 2.4 metres in height. In comparison to the considerably large scale of the building, the bar would be a minimal addition.
- 46 The materials would be timber boarded walls and doors in a dark muted grey/blue colour (RAL 5008) with a slate roof. Due to the varied material finish within the locality of the area, this would not be out of keeping. In addition to this, a recently approved advert application has granted permission for signage of a similar colour and therefore the bar integrates well on the application site.
- 47 Therefore, the proposal complies with Policy EN1 of the ADMP.

Impact on residential amenity

- 48 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 49 There are neighbouring properties surrounding the application site. As the proposed bar is located at a distance of over 20 metres from the highway, the proposal would not harm the outlook, privacy or level of light to neighbouring properties.
- 50 Concerns have been raised in relation to the hours of operation of the external bar. Outside seating and the use of this external area is already present on the application site and therefore the addition of this bar would not result in any additional harm subject to conditions which are required by Environmental Health. The hours of operation for the external bar will be a condition to the below hours, as recommended by Environmental Health:
- Sunday-Thursday 1100-2200
Friday-Saturday 1100-2230
- Details of how the bar will be serviced are also requested.
- 51 Therefore based on the above, the proposal complies with Policy EN2 of the ADMP.

Area of Archaeological Potential

- 52 The application site is located within an area of Archaeological Potential. The proposal would not include any foundations and therefore would not alter the land.

Flood Zone 2

- 53 The application site is located within Flood Zone 2. As the proposal is not to include any foundations and is to be positioned higher than the ground level, the proposal would not be detrimentally harmful.

Assessment of any Very Special Circumstances

- 54 Para 144 of the NPPF states that when considering any planning application, we should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 55 Possible very special circumstances - these can be summarised as:
- The appeal allowed against the enforcement notice relating to the retention of a timber structure used as a garden bar.
- 56 The harm in this case has been identified as:
- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
 - The harm to the openness of the Green Belt which is also given significant weight.

- 57 The fact that the applicant is able to site the same structure in a very similar location within the external area of the building creates a very strong fall back position, which must be afforded significant weight in this instance.
- 58 In reviewing the extent of harm and the potential very special circumstances, it is concluded that the fall back position that exists in this instance clearly outweighs the harm to the Green Belt.

Other Issues

- 59 A concern was raised in relation to the proposal being refused under application 06/00154/FUL. This application was refused based on that it would neither enhance nor protect the character of the area, harm the setting of the listed building, not protect the AONB and would be inappropriate within the Green Belt.
- 60 As noted above, an enforcement notice was served for the removal of the garden bar structure. However, an appeal against the enforcement notice was successful, which quashed the enforcement notice.
- 61 The appeal was allowed as the Inspector concluded that the garden bar they were considering did not require planning permission since it was a moveable structure and it was therefore a land use alone that the Inspector considered. The garden bar did not result in a change of use of the land.
- 62 A concern was also raised in relation to the signage on the building. This proposal does not include any signage and if any was to be added to the site it would require separate permission. Permission has been granted for new signage under application 18/03248/ADV.

Community Infrastructure Levy

- 63 The proposal is not CIL liable.

Conclusion

- 64 The proposal would conserve the character of the Area of Outstanding Natural Beauty and Conservation Area. The proposal would not harm the setting of the listed building, would not be out of keeping with the character of the area and would not harm the residential amenity of neighbouring properties. The proposal would be inappropriate development within the Metropolitan Green Belt, however very special circumstances justify the result in no greater harm to the openness than currently. The proposal therefore complies with the development plan and is recommended for approval.

Background Papers

Site and Block plans

Contact Officer: Louise Cane Extension: 7390

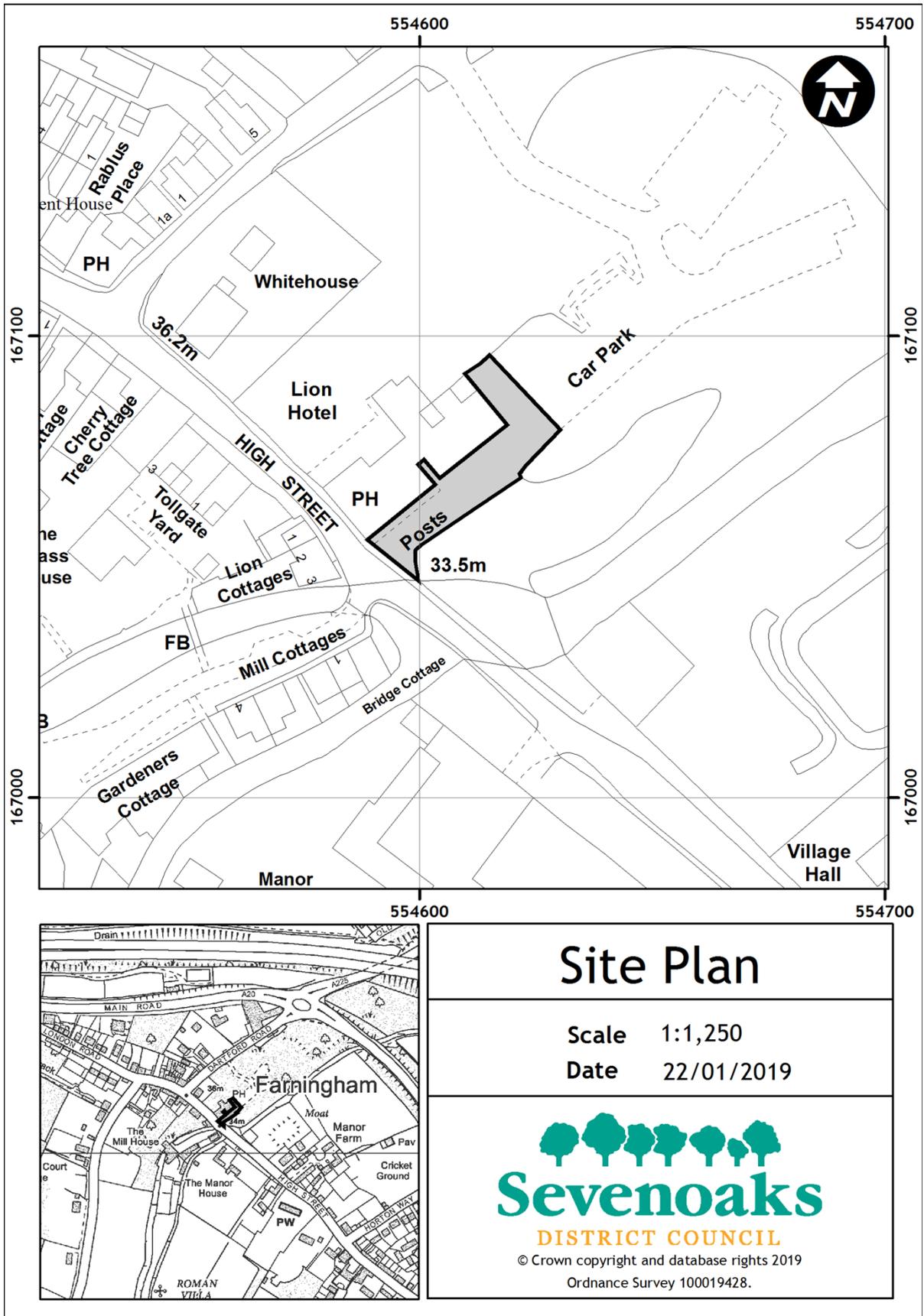
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHH3BHBKJY500>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PHH3BHBKJY500>



Site Plan

Scale 1:1,250

Date 22/01/2019



DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block Plan

