

REPORT SUMMARY

REFERENCE NO - 14/504328/FULL		
APPLICATION PROPOSAL Change of use and alterations and extension to existing building to residential use and erection of 2 No. dwellings with amenity space, parking and access as shown on drawing nos. 014.1571-001/P1, 014.1571-003/P1, 014.1571-004/P1 received 29/9/14; 014.1571-007/P6, 014.1571-008/P6 received 20/1/15; and 014.1555-010/P7, 014.1571-025/P4, 014.1571-026/P2, 014.1571-029/P1, 014.1571-030/P1 received 22/4/15.		
ADDRESS The Old Plantation Public House 33 Plantation Lane Bearsted Kent ME14 4BJ		
RECOMMENDATION Permit		
SUMMARY OF REASONS FOR RECOMMENDATION There is significant evidence that this pub is not a viable business and faces significant competition from conveniently located alternatives in the same general area. The scheme is well designed and presents advantages to the listed building and its setting. It is therefore recommended for approval.		
REASON FOR REFERRAL TO COMMITTEE This is a controversial application and it is appropriate that it is considered by Planning Committee.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Heritage Designer Homes Ltd AGENT Eric Przyjemski
DECISION DUE DATE 21/11/14	PUBLICITY EXPIRY DATE 21/11/14	OFFICER SITE VISIT DATE 30/12/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): The planning history reflects the development of the site as a public house. The most recent applications are: MA/11/0355 - An application for listed building consent for replacement and refurbishment of existing windows, doors and external finishes, plus installation of new fascia sign (externally illuminated) - Permitted MA/11/0354 - Advertisement Consent for the installation of 1no externally illuminated fascia sign, 1no externally illuminated pictorial sign, 1no non illuminated amenity board and 1no non illuminated directional sign - Permitted MA/09/0706 - Retrospective planning permission for the reinstatement of wall to single storey store and adjacent boundary wall - Permitted MA/09/0259 - Retrospective application for Listed Building Consent for the reinstatement of end wall to single storey store and adjacent boundary wall – Permitted The directly related listed building application is 14/504332/LBC which is also reported on these papers.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located in Bearsted, within the defined urban area of Maidstone. It is located off the north side of Plantation Lane and involves a public house with grassland in the western part of the site, a hardsurfaced parking area in the eastern part and a pub garden/play area in the rear portion. The site is served by a wide access point, centrally located on the site frontage.

1.02 This is a predominantly residential area with a range of different properties in evidence, mainly of 20th century date. The main characteristic of the more immediate locality is detached housing located on generous plots. The application site is bordered by detached housing fronting Plantation Lane to east and west with detached properties around Clarendon Close to the rear.

1.03 The Old Plantation public house is Grade 2 Listed and comprises a 15th/16th Century timber-framed building with 19th and late 20th Century additions. The building exhibits a range of different materials including ragstone, brick, render, exposed timber and clay tiling. The main front of the building faces east onto the carpark and has subsidiary buildings to its rear, very close to the boundary with No. 31. The pub has living accommodation at first floor level. The case officer has visited the site on various occasions in recent months and the pub has not been open for business on each occasion.

2.0 PROPOSAL

2.01 In summary the application proposes the conversion of the pub building to a single dwelling; and the erection of two new detached dwellings in the rear portion of the site. The access to the site would be shifted over to the eastern end of the site frontage, the existing extensive areas of hardstanding being replaced by landscaped areas in front of the houses. Detached garaging is proposed for the new-build housing with two 'open-air' parking spaces provided for the conversion on land off the northern flank of the pub.

2.02 The proposed alterations to the listed building relate mainly to the removal of the relatively modern extensions attached to the north and west elevations of the building and the erection of a replacement one and half storey pitched roof addition to the west (ie rear) elevation. Dormer windows are proposed to be included in the north and south facing roof slopes of the addition, along with small roof lights. Apart from that, external changes are confined to minor alterations to doors and windows. Materials would match existing.

2.03 To achieve access to the first floor of the new addition, an internal staircase is to be provided within the extension itself. It was originally proposed to access the first floor from the mezzanine floor within the main building, but this would have involved a break in the wall plate which would not be appropriate and has been deleted. The main internal alterations to the building involve the removal of the bar servery and the modern staircase leading to the first floor bar area and a new staircase is to be installed to provide a second access the first floor. The existing, original staircase serving the first floor would be retained. New partitions would be installed on the first floor to form an ensuite bathroom, bedroom and bathroom.

2.04 The new build development involves the erection of two, four-bedroomed detached houses with garaging, amenity space and access. The proposed houses are based on an L plan layout with entrance hall, kitchen/dining room, living room, wc, store, study and utility room on the ground floor and four bedrooms and bathroom at first floor level.

2.05 The design of the new dwellings is based on a traditional form with brick and tile hanging to the elevations with a tiled, pitched roof over. The roof design includes fully hipped and half-hip details, with exposed rafter feet and bargeboards. The proposed fenestration would involve narrow module units in two, three and four light arrangements. The design includes a brick chimney to the flank elevations.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV22, R11

4.0 LOCAL REPRESENTATIONS

4.01 Bearsted Parish Council states:

“(i) 14/504328/LBC

1. The development is contrary to policy ENV23 of the Maidstone Borough Wide Local Plan 2000 paragraph 3.80 as follows, as there is a children's play area on the site:

3.80. In cases where the open space makes a contribution to the overall provision in the locality the loss of open space, sports facilities and children's play space will be firmly resisted. If there is a proven overriding need for the redevelopment, the Borough Council will require alternative provision to be made which is of an equivalent community benefit.

1. The Old Plantation is a valuable community asset and the business case for not keeping it open has been challenged by residents and they state they have backers willing to take on the running of the pub as a going concern.;
2. The development is not sustainable as changing use of the pub to residential does not stimulate economic growth and affects the ability of future generations to participate in the economic growth generated by a local public house.

(ii) 14/504328/FULL

As the application for change of use of the Old Plantation was rejected, this application could not be entertained as the proposed building would take away car park and play area.”

4.02 A written petition with 213 signatures has been received objecting to the loss of the pub. Representations also state that there is an online petition of objection with 560 names. Letters of objection have been received from 28 local houses. The summarised grounds of objection are as follows:

a) The pub could be a viable business if the right investment was made. The pub is not being managed so as to make it viable. This is a ‘wet led’ pub and should be promoted as such. Further evidence is available to prove viability. The viability report by Porters is biased and uninformed. An independent test should be carried out. The pub has not been marketed properly.

b) This is a historic pub and a valuable local amenity with a pub garden. It is suitable for families. Other pubs in the area do not offer the same facilities and ambiance.

- c) Bearsted does not need more housing and is already overdeveloped.
- d) It is disputed as to whether the pub was previously a house.
- e) There would be overshadowing and overlooking of neighbouring property. There would be increased noise and disturbance to neighbours.
- f) The density of the development would be too great. The new buildings would not be in keeping with the listed building. The setting of the pub would be adversely affected.
- g) The proposed alterations to the listed building are not appropriate.
- h) There would be a loss of trees and shrubs.
- i) There would be increased traffic onto Plantation Lane causing additional problems for vehicles and pedestrians. Parking provision would be inadequate.
- j) Questions are asked as to whether water supply would be replaced and whether the lane would be resurfaced.

Letters of support have been received from 2 local houses. However one of those letters expresses concern as to the impact on boundary fencing.

5.0 CONSULTATIONS

- 5.01 Kent County Council Highways and Transportation has no objection.
- 5.02 MIDKENT EHSS has no objection.
- 5.03 The MBC Conservation Officer has no objection: see discussion below.

6.0 APPRAISAL

Principle of Development

6.01 The application site is located in an urban location that is clearly well related to basic services and public transport. Looking at Development Plan Policy and Central Government Guidance, sustainable locations such as this one are the preferred choice for new housing.

6.02 The Council is unable to demonstrate a 5 year supply of housing land and opportunities need to be taken to increase supply, particularly on previously developed land in sustainable urban and village locations. The development of three houses on this site would make a modest contribution to supply but the housing land supply issue should be given some weight in the consideration of this application.

The Loss of the Public House

6.03 'Saved' Local Plan Policy R11 states:

"In considering planning proposals which would involve or require the loss of existing post offices, pharmacies, banks, public houses or class A1 shops selling mainly convenience goods, particularly in villages, consideration will be given to the following:
(1) firm evidence that the existing uses are not now viable and are unlikely to become commercially viable; and
(2) the impact on the local community and especially on those economically or

physically disadvantaged; and

(3) the availability of comparable alternative facilities in the village or the local area; and

(4) the distance to such facilities and the availability of travel modes other than by private motor vehicle”.

6.04 Paragraph 70 of the NPPF states that planning policies and decisions should guard 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.

6.05 The application is accompanied by a report on the viability of the premises by Porters Chartered Surveyors who are specialists in the valuation and sales of licensed premises. That report concludes that the future of the site as a public house is not viable for the following reasons:

a) The premises faces strong competition within Bearsted from five other public houses/ restaurants in better locations, all of which have modern catering facilities. These being The Rose, The Lion, The White Horse, The Oak on the Green and Fish on the Green.

b) The pub is located in a residential area and does not benefit from the passing trade that one would expect from a well-used road.

c) The building is in need of considerable investment to maintain it in a reasonable state of repair. £50,000 is provided as an estimate.

d) Substantial investment would be needed to improve the inadequate kitchen facilities and to increase dining capacity. The level of investment required has prohibited interest from potential long term operators and the level of investment necessary to provide for a full food trade is beyond what would be economically viable, bearing in mind the location of the premises and the high level of local competition.

e) The historic trade enjoyed by the premises in the past has been lost and the premises are no longer profitable as a public house.

6.06 A supplementary statement from Porters provides more detail on the nature of repair and maintenance work that is required and provides some information on how the property was marketed both for the leasehold and more recently freehold. The general summary being that there was minimal interest from persons wishing to retain the premises as a public house.

6.07 In examining these viability issues, and the wider issues raised by R11, to my mind the main issue in this particular case is that of competition and availability of other similar venues. There is evidence that the premises is, in itself, not viable (nor potentially viable) but the main factor here in my view is that Bearsted is served by a range of alternative drinking and eating establishments within reasonably easy reach of all parts of the village. Clearly this is not a situation where (as has happened in some parts Borough) this is the last pub in the village and there are no alternatives. There are alternatives to the south on the Ashford Road and to the north around the village green.

6.08 The pub has been the subject of an application as a Community Asset under Section 88 of the Localism Act. The application was rejected by the Council, not least due to the availability of alternative venues for the activities that may take place in the pub. I conclude that there are no defensible grounds for rejecting this application on the basis of the loss of the public house to the community.

6.09 Given the viability report I do not consider that the loss of the pub represents a significant loss in terms of the economy of the area.

Visual Impact and Impact on the Listed Building

6.10 The introduction of new-build housing on the rear portion of the site presents challenges in terms of achieving a design that safeguards the setting of the listed building and the character of the area generally. These issues have been the subject of pre-application advice and discussion during the course of the formal application resulting in amended plans. The removal of large areas of hardstanding around the listed building is a significant benefit of the scheme and I agree with the Conservation Officer who states:

“I have no objection in principle to the change of use of the listed building, which will revert it to its original use. I also consider that there is some development potential to the rear of the site, particularly as there is the opportunity to remove much of the current car parking area and improve the setting of the listed building when viewed from the street.

The proposals have been the subject of pre-application discussions and further discussions post-submission. I am now of the opinion that the scale, design and layout of the new-build element are appropriate and will not result in harm to the setting of the listed building.”

I consider the scale and design detail of the ‘new-build’ to be appropriate and I do not consider the proposals would have any negative impact on the character of the area which is generally characterised by detached housing of relatively modern age.

6.11 Turning to the impact on the building, I consider that the removal of unsympathetic elements, the various proposed alterations and the introduction of a new viable use for the building would improve its condition and character. I agree with the Conservation Officer who states:

“With regard to the listed building, it is proposed to demolish existing single storey extensions to the rear and side. One of these dates from circa 1900 and the others from the 1980s and I do not consider them to add significance to the listed building; their removal is therefore acceptable in my view. In their place it is proposed to erect a two storeyed rear extension. As originally submitted I raised objections to the size and design of the proposed extension. Revised plans have now been submitted which overcome my concerns.”

I consider the proposals acceptable in terms of the impact on the character of the area and the listed building.

Residential Amenity

6.12 The new-build dwellings have been positioned and designed so that there would be no significant loss of outlook, light or privacy to any neighbouring property. There would clearly be no loss of light or outlook due to the degree of separation between existing and proposed. In terms of loss of privacy, the Plot 3 house would be approx. 17m from the rear corner of No.37 and would have only oblique views towards that house. A similar situation would exist between Plot 2 and No. 31 where the distance involved would be approx. 21m. On the pub conversion, there would be no significant overlooking of No. 31. The rear elements of the listed building would increase in height but the proposed new extension in that area is pulled away from the boundary and has a fully hipped roof such that there would be no loss of amenity to the very limited fenestration in those parts of No. 31 that are near the property boundary.

6.13 The pub has the potential to generate a significant level of noise and disturbance to local residents, often at unsociable times of the day. In that respect, residential amenity is likely to improve as a result of the scheme as the dwellings are unlikely to generate the same 'comings and goings' from vehicles and pedestrians, noise from amplified music, etc. as the pub.

6.14 The prospective occupiers of the new dwellings would be likely to enjoy at least a reasonable standard of living with each being provided with sizeable private garden areas behind their main frontages. There are no significant road or rail noise issues here.

Highways

6.15 As previously stated, the existing access to the site from Plantation Lane would be closed and a new access formed closer to the eastern boundary to enhance the setting of the listed building. I consider that the revised access arrangements would provide for a safe access to the public highway. There would be on-site parking and turning for 8 cars on this site which I consider an acceptable level.

6.16 The pub, if open, could potentially generate a significant volume of traffic and, in my view, the 3 dwellings proposed here would be likely to generate significantly less car traffic than that; and certainly less commercial vehicle visits. Consequently the scheme would not have any negative impact on the safe and free flow of traffic on the public highway or cause congestion on the local highway network.

Landscaping

6.17 No trees on this site are TPO protected. There are small trees/hedging around the margins of the rear part of the site. The whole site would be the subject of a detailed landscaping scheme, the indication being that boundary vegetation would be retained and specimen trees would be planted on the site frontage and on either side of the new access drive. I consider this acceptable and there are significant landscape benefits in terms of the replacement of the extensive hardstanding areas on this site with soft landscaping. This is an intensively managed environment and I am satisfied that the ecological value of the site would be low.

Other Matters

6.18 Representations raise the issue of adequacy of water supply and the potential need to resurface the lane. I am satisfied that the replacement of the pub with three dwellings is a minor development that does not warrant objection being raised on these matters.

6.19 Looking at the comments of the Parish Council, I have reported above their comments for both the planning and the listed building consent applications (as the relevant issues seem to be confused between the two types of application). The loss of the pub as a general issue is addressed above. The Parish object to the loss of the children's' play area and pub garden but this is a very small private facility, ancillary to the use of the pub, that I presume is only available to pub users during pub opening times. It is ancillary to the overall pub use and it could be 'lost' to alternative pub facilities at the decision of the operators.

7.0 CONCLUSION

7.01 Whilst the loss of public houses to the community is generally regrettable, the economic reality is that many are closing, particularly where such pubs are heavily reliant on the sale of liquor products and have limited potential to develop the food side of the business. That is the case here but (more importantly in my view) this pub faces significant

competition from viable alternatives in the same general area. The scheme is well designed and presents advantages to the listed building and its setting. I therefore recommend approval of the application.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

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 development hereby permitted shall be carried out in accordance with the following approved plans:

drawing nos. 014.1571-001/P1, 014.1571-003/P1, 014.1571-004/P1 received 29/9/14; 014.1571-007/P6, 014.1571-008/P6 received 20/1/15; and 014.1555-010/P7, 014.1571-025/P4, 014.1571-026/P2, 014.1571-029/P1, 014.1571-030/P1 received 22/4/15;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

(3) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(4) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include full details of proposed means of surfacing and boundary treatments;

Reason: No such details have been submitted.

(5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

(6) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be

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kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(7) No development falling within Schedule 2, Parts 1 and 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the character of the site is maintained.

(8) The development shall not commence until full details of the external joinery to be used in the construction of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Case Officer: Geoff Brown

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NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.