

REPORT SUMMARY

REFERENCE NO - 16/505966/FULL		
APPLICATION PROPOSAL Change of use and conversion of The Railway Tavern to one dwelling; and the erection of a new detached dwelling with parking and landscaping.		
ADDRESS Railway Tavern Station Road Staplehurst TN12 0QH		
RECOMMENDATION Permit		
SUMMARY OF REASONS FOR RECOMMENDATION The public house is not considered to be a valuable local amenity and its loss is not considered significant. The proposed development presents significant benefits in terms of providing a viable use for the listed public house and an improvement to the overall character of the site.		
REASON FOR REFERRAL TO COMMITTEE Councillor Brice has requested committee consideration as the issue of the loss of the public house requires committee consideration.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Rectory Lane Limited AGENT Kember Loudon Williams LLP
DECISION DUE DATE 14/09/16	PUBLICITY EXPIRY DATE 03/11/16	OFFICER SITE VISIT DATE 14/10/16 (and previously)
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
16/505967/LBC	Conversion of The Railway Tavern to a dwelling and associated works.	Undetermined
13/0440	Listed building consent for single storey rear extension and internal alterations to facilitate a change of use of part of building from A4 use (public house) to create separate A5 use (hot food takeaway).	Permitted
13/0437	Single storey rear extension and change of use of part of building from A4 use (public house) to create separate A5 use (hot food takeaway).	Permitted

MAIN REPORT**1.0 DESCRIPTION OF SITE**

1.01 The application site is located within the defined village boundary of Staplehurst and at the northern end of the settlement. It is situated off the east side of Station Road (A229) and involves a Grade 2 Listed public house in the southern part with a pub garden behind the building and car park to the north. The public house has been closed for some time and the site fenced off to prevent unauthorised access.

1.02 This is a predominantly residential area with a range of different properties in evidence, mainly of 20th century date, although part of the large industrial estate is located opposite the site off the west side of the main road. To the immediate north of the site is the building and curtilage of the station newsagents; whilst to the rear and south of the site are the rear gardens of houses that front Fishers Road.

1.03 The listed pub has three levels of accommodation although the upper level is essentially in the roofspace. The Railway Tavern consists of a T-shaped building, originally orientated at right angles to the road, which probably dates from the early 17th Century. The original building is now almost entirely wrapped by single storey additions of 19th and 20th Century date. It was probably originally a farmhouse but it was put up for sale in 1842, the year which the railway opened, and was probably converted to a pub soon after to cater for the railway trade (the South Eastern Hotel or Railway Hotel on the corner of Market Street – now converted to flats and known as Dickens Court – opened in 1846 and seems to have been built on the farmhouse's land and may have been a contemporary development to cater for a higher class clientele than the pub).

2.0 PROPOSAL

2.01 In summary the application proposes the conversion of the pub building to a single dwelling; and (following amendments) the erection of a new detached dwelling in the open space to the north of that listed building. The access point to the converted pub would be at the southern end of the site (there is a small integral garage currently in that location) leading to a landscaped parking and turning area for cars on the site frontage. The new house would have its own access drive from Station Road leading to a detached single garage off the south east corner of the house, with a small turning area and landscaped area on the site frontage to that new dwelling. New hardstandings would be of a permeable surface. The rear half of the site would be given over to grassed gardens to both properties, with existing trees on the rear boundaries of the site retained.

2.02 The proposed physical changes for conversion are modest, the main elements being the removal of part of a modern and inappropriate flat-roofed extension on the north end of the building; the reinstatement of walls internally which will partially re-create the original floorplan; and minor changes to fenestration. Materials would generally match existing.

2.03 The new build development involves the erection of a two storey, four-bedroomed detached house of a combination of brickwork, horizontal timber boarding and render under a plain tile roof. The dwelling would feature hipped roofs and a prominent front gable feature to the main road.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

MBWLP 2000 Policies: ENV6, H28, R11

MBLP (Regulation 19) Submission 2016 Policies: SP10, DM1, DM2, DM3, DM4, DM18

The Staplehurst Neighbourhood Plan 2016

4.0 LOCAL REPRESENTATIONS

4.01 Staplehurst Parish Council originally stated:

“Councillors wish to see the application REFUSED for the following reasons : whilst the conversion of the Railway Tavern building itself appeared sympathetic (Councillors wished to know the Conservation Officers view), the proposed development of an additional three houses would be over-intensive and unsympathetic to the setting of the Grade II listed

building; there was inadequate parking provision which would cause problems in Station Road and neighbouring streets such as Market Street and Fishers Road where there were already parking restrictions; there were drainage problems in the area relating to a water-course and flooding of the car park, which the application did not recognise; the proximity of the bus stop and parked buses restricted sight-lines, which added to the hazard risk presented by the nearby junctions and fast traffic coming south over the railway bridge. Councillors do not request the application be reported to MBC Planning Committee.”

On the amended plans (reducing the proposed three new-build houses to a single detached house) the Parish Council states:

“Councillors regretted the loss of the useful village pub and maintained their recommendation of REFUSAL due to the risk of surface water flooding, the potential consequences of building over the water course and the withdrawal of access to the neighbouring Station Newsagents property. They indicated that were these issues to be addressed they would be prepared to reconsider their position. They also expressed their support for the comment by Kent Highways about the need for adequate parking provision at the front of the building.” Followed by:

“Councillors AGREED to make the following additional comments to MBC: (i) the proposed change of use was at variance with NPPF paragraph 70 in that it represented an 'unnecessary loss of valued facilities and services'; (ii) the proposed change of use conflicted with emerging Maidstone Borough Local Plan Policy SP10 paragraph 5: 'the loss of local shops, community facilities and green spaces will be resisted'; (iii) the Railway Tavern was immediately adjacent to the station area identified for commercial development and public realm improvement in the Staplehurst Neighbourhood Plan (Policy GW1) and its presence would complement the envisaged measures.”

4.02 A written petition with 60 signatures has been received objecting on the basis that the site floods after heavy or persistent rain. A further written petition with 61 signatures has been received objecting on the basis that the development would deny unrestricted pedestrian and vehicular access to the rear of the property, from Station Road to the gates at the rear of the property. Such access has been available for at least 20 years.

4.03 13 letters of objection have been received from local residents (I have included comments made on the listed building consent application which clearly should relate to the planning application). The summarised grounds of objection are as follows:

a) The loss of the pub should be resisted as it is a valuable local amenity, particularly as the village is experiencing significant growth. The expanded village needs to retain its community facilities. The pub could be a viable business if it was managed properly and the right investment was made. The loss of the pub would represent a loss of employment opportunities.

b) The pub has not been marketed properly. Information provided is misleading and, contrary to statements made in the application, there has been genuine interest from the pub industry in acquiring it as a pub business.

c) Staplehurst does not need this new housing in view of large volume being built elsewhere in the village.

d) The development would deny the rights that have accrued over the years for customers of the newsagents to park on the pub car park. The development would deny access to the newsagent's garage. The proposals should make provision for local residents to park on the redeveloped site.

e) A watercourse runs along the southern boundary of the site. The site floods and this would get worse as a result of the development.

5.0 CONSULTATIONS

5.01 KCC Highways and Transportation points out that this is a sustainable location and that the proposed development would be likely to generate less traffic than a functioning pub use. There is generally no objection subject to conditions but comments are made that a proposed small area of hedge planting in front of the pub conversion should be removed to ensure that two spaces can be provided on that frontage.

5.02 Historic England has no comment.

5.03 KCC Archaeology points out the potential importance of this locality in terms of Roman, Medieval and Post-Medieval remains and recommends that either an additional archaeological assessment be carried out pre-determination or, if deemed more appropriate, conditions be attached to secure that further assessment and to secure a programme of building recording.

5.04 The Upper Medway Internal Drainage Board (UMIDB) has no objection.

5.05 UK Power Networks, Scotia Gas Networks and Southern Water have no objection.

5.06 MIDKENT EHSS has no objection subject to conditions on the issues of contamination and internal noise levels.

5.07 The MBC Conservation Officer has no objection: see detailed discussion below.

5.08 The MBC Landscape Officer has no objection.

6.0 APPRAISAL

Principle of Development

6.01 The application site is located in a village 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 now able to demonstrate a 5 year supply of housing land but opportunities need to be taken to maintain supply, particularly on previously developed land in sustainable urban and village locations. The emerging Local Plan designates Staplehurst as a rural service centre and therefore appropriate for new housing development.

6.03 The Staplehurst Neighbourhood Plan 2016 contains no specific policies relating to the retention, or otherwise, of the pub but Policy GW1 places the pub at the margins of the railway station area identified for redevelopment and public realm improvement.

The Loss of the Public House

6.04 '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”.*

6.05 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.

6.06 The application is accompanied by a report on the viability of the premises by a specialist in licensed property at James A Baker Chartered Surveyors. He points out that there are approx. ten other public houses within a three mile radius of the site, including The Kings Head in Staplehurst. The report makes the following points that lead to a conclusion that the future of the site as a public house is not viable:

a) This has been a 'wet-led' pub business. Such pubs currently face a challenging market leading to closures.

b) There appears to have been very limited investment up to the point of closure. The premises would require considerable investment to develop a 'food-led' business with potentially limited opportunities to alter the layout given the listed status. Kitchen heights are low and the pub only accommodates 35 dining covers which is low. The size of the upper floors does not offer scope for a guest house/b and b operation. It would not make economic sense to invest in an outlet with such limited trading potential.

c) The premises faces competition from other pubs in the area, notably The Kings Head within Staplehurst which is a traditional pub, better situated in the village centre, and offering an extensive food menu.

No accounting information is available but profits are estimated to have been low and the report concludes that the pub would not be able to trade at a level which would provide an operator with a reasonable profit and be maintained. In supplementary submissions the surveyor points out that comparison with other individual pubs are not helpful as other premises may be better located and present the opportunity for several income streams like, for example, larger dining areas and letting rooms.

6.07 The application is also accompanied a report by Greensand Asset Management which deals principally with the sale, acquisition and estate management of pubs, hotels and other leisure properties in the south east. They advise that previous owners Enterprise Inns had not succeeded in recruiting a lessee for the property and so Greensand were employed to advise on the disposal of the property. From June 2015 to November 2015 (when the current owners bought it) the property was marketed on a freehold and leasehold basis and again from December 2015 to date. No interest was received in terms of running the pub as a going concern, although other interest was expressed in terms of a convenience store use, a children's nursery use and restaurant use, although interest did not progress to offer stage. The conclusion is reached by Greensand that the pub is not viable given the local competition; poor trading levels; and the general changes in the market.

6.08 The pub has not been the subject of an application to this Council as a Community Asset under Section 88 of the Localism Act.

6.09 I consider there is strong evidence to indicate that the pub is not viable, or potentially viable. On the renovation issue raised in the viability reports, whilst a complete rebuild or wholesale alteration may be acceptable to more modern areas of the pub where change would be less sensitive, there may be significant hurdles in terms of enlarging or altering the bar area (that would presumably form the restaurant space) as this is the historic core area of the building. Similarly there would seem to be little latitude in terms of increasing the upstairs accommodation for guest or b & b accommodation.

6.10 Given this background I do not consider that objection should be raised on the basis of the loss of the pub as a community asset. The point has been made that the village is undergoing significant expansion and that the expanded village will need community facilities. The expansion of the village has been well publicised and I must presume that potential new operators were aware of that in considering purchase or taking on a lease. There is also the issue of there being alternative public house facilities in the local area.

Visual Impact and Impact on the Listed Building

6.11 Another important consideration here is that when considering listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This obligation is found in The Planning (Listed Buildings and Conservation Areas) Act 1990.

6.12 The introduction of new-build housing on the northern 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 reducing the 'intensity' of the scheme. I agree with the Heritage Statement that the land to the north proposed for development, which currently largely forms the car park, does not make a positive contribution to the setting of the listed building in its current state. This includes the wide access point to the road and the extent of tarmac surfacing that essentially covers the whole gap between the pub and the neighbouring shop. In addition to that, from a historical perspective, there were previously buildings on this part of the site, albeit probably outbuildings to the pub. Given this background, I consider that an infill development between the converted pub and the newsagents is acceptable, particularly given the opportunity to significantly improve the setting of the pub building and the general character of the area.

6.13 The change from the previously proposed terrace of three houses to a single dwelling has been the subject of negotiation and I consider the scale and design detail of the 'new-build' to be appropriate. I do not consider the proposals would have any negative impact on the character of the area which is an area of mixed character, predominantly residential, with a range of different properties in evidence, mainly of 20th century date, and some industrial structures.

6.14 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:

"The proposals for conversion are largely sympathetic and would in many ways be beneficial to the listed building by the removal of at least part of a modern and inappropriate flat-roofed extension and the reinstatement of walls internally which will partially re-create the original

floorplan.” (His concerns over the previously proposed removal of a chimneybreast and chimney in the 19th Century northern addition have now been rectified.)

6.15 These environmental improvements would seem to be in accord with the Neighbourhood Plan’s aim to improve the general area around the station and the northern approaches to the village, much of which is dominated by railway/highways infrastructure and extensive areas of vehicle parking space. I consider the proposals represent significant benefits in terms of providing a new use for the listed building; preserving and enhancing its fabric and character; and improving its setting, not least through the removal of extensive areas of hardstanding around the building.

Residential Amenity

6.16 The conversion of the pub and the new-build dwelling are positioned and designed so that there would be no significant loss of outlook, light or privacy to any neighbouring property.

6.17 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.

6.18 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. Looking at the comments of the Environmental Health Officer I am satisfied that road noise here is not sufficiently problematical to warrant a condition requiring noise insulation; nor am I convinced that there is a significant likelihood of ground contamination so as to warrant a condition on that issue.

Highways

6.19 There is no substantive objection here from KCC Highways and Transportation. 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 2 cars for each dwelling which I consider adequate for two large dwellings in a sustainable location. I consider the parking and turning arrangements acceptable as shown for the converted pub and I do not consider the loss of the proposed hedging (as suggested by the Highways Officer) to be necessary, particularly given the advantages of properly landscaping this site.

6.20 The pub, if open, could potentially generate a significant volume of traffic and, in my view, the 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.

6.21 The newsagents and others making representations claim the right to park on the premises and that would clearly be denied by the development proposed. The lawful use of that land is as a pub carpark, not a public carpark for those using the shop and local facilities. As I have advised the newsagents, if some form of user-rights have accrued then that is a private legal matter that should be addressed through private legal action not through the planning system. I understand that a temporary agreement was previously in place to allow such parking but that has been terminated. The developers deny such rights now exist and will not make provision in their scheme for any element of shop-related or

public parking space. The benefits of reuse of the listed building and new residential units are considered to outweigh the loss of any informal parking.

Landscaping and Ecology

6.22 No trees on this site are TPO protected. There are small trees/hedging around the margins of parts of the rear of the site which are to be retained. The whole site would be the subject of a detailed landscaping scheme, the indication being that boundary vegetation would be retained and the frontages of the houses would be landscaped as a replacement for the extensive tarmac that impacts on the setting of the building. 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.

6.23 As may be expected given the condition of the site, the preliminary ecological appraisal found the site to be of low value. A follow-up bat emergence survey found it unlikely that the buildings support a bat roost but that foraging occurs in the garden. No further survey work is deemed necessary but the use of indigenous species landscaping is encouraged. I consider that further ecological enhancements can be secured by a suitably worded condition.

Other Matters

6.24 Representations raise the issue of localised flooding. The site is not within an identified flood zone, nor have any objections been received from Southern Water or the UMIDB. It seems to me that the removal of hardstandings and replacement with soft landscaping/permeable surfacing would be likely to ease any surface water flooding and I see that the developers have offered to clear out the ditch at the southern edge of the site, despite it being beyond their land ownership. There are no justifiable grounds to object here on flooding grounds.

6.25 Looking at the views of the County Archaeologist, I am satisfied that the required evaluation can be dealt with by condition. The developers have already provided some information on this and I am in consultation with the archaeologist as to its adequacy and the wording of any condition(s).

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 and there is an alternative public house within the village. The scheme is well designed and presents advantages to the listed building and its setting. I therefore recommend approval of the application.

7.02 The related listed building consent application ref. 16/505967/LBC can only be concerned with physical changes to the listed building. Those issues are not the subject of the call to committee nor has any party made objection on those grounds. I therefore intend to determine that listed building consent application under delegated powers.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

site location plan and drawing nos. 3487.01, 03, 04 received 20/7/16; and drawing nos. 3487.14, 15, 16 received 10/10/16.

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

(3) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be 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) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) 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 shall be submitted to and approved by the Local Planning Authority. 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 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) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) full details of the external joinery to be used in the construction of the building(s) hereby permitted shall be 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.

(9) Before development commences on the listed building or before works on the new-build house reach damp proof course level (whichever is the sooner) details of a scheme for the enhancement of biodiversity on the site (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods by means such as swift bricks, bat tubes, bat boxes, etc. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To enhance the ecology of the site.

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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With regard to para. 6.25 of the report, THE COUNTY ARCHAEOLOGY has now examined the submitted archaeological evaluation report which concludes that there are no indications of any archaeology surviving on the site. The archaeologist accepts the report but recommends that a 'watching brief' be maintained during redevelopment. OFFICER COMMENT: this can be secured by a suitably worded condition.

COUNCILLOR HARWOOD comments that there is no recommended condition addressing renewable energy and that this should be added with regard to the new-build house. OFFICER COMMENT: With the cancellation of the Code for Sustainable Homes and the transfer of requirements to the Building Regulations, it is the Council's practice not to impose such a condition on a new single dwelling.

ONE LOCAL RESIDENT writes again to underline his objection to the loss of the pub as a community asset and an employment generator. He has carried out his own viability test based on CAMRA advice and concludes that the pub is still potentially viable. OFFICER COMMENT: Whilst the opinions of the local resident are welcomed, in support of the application officers have considered information submitted by a specialist in licenced property. My conclusions on viability are set out in the report. In terms of employment generation, obviously a functioning public house would generate jobs but these are likely to be few and part-time in nature such that the loss of any employment opportunities here is unlikely to be significant.

RECOMMENDATION: the following condition be added:

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

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required before development commences given the nature of archaeological remains.