

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 Staplehurst COUNCIL	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 BACKGROUND

- 1.01 The consideration of this planning application was withdrawn from the agenda of the committee meeting on the 16 March 2017.
- 1.02 The reason for the withdrawal from the agenda was to allow public consultation to take place on public house viability information that had been submitted by the applicant. This consultation that included neighbours to the application site expired on the 31 March 2017. The following responses were received

2.0 LOCAL REPRESENTATIONS

- 2.1 The consultation responses that were received as a result of the original public consultation are included in the original report that is copied below.
- 2.2 As a result of the additional consultation one further letter has been received restating previously reported comments about the loss of the public house.

3.0 CONSULTATION

Staplehurst Parish Council

- 3.1 Confirm no change to previous recommendation for refusal. At a time of planned housing growth in the village they felt it was important to have more facilities rather than fewer.

Southern Water

- 3.2 No further comment

KCC Highways

- 3.3 No further comment

Southern Gas Networks

- 3.4 No further comment

4.0 FURTHER INFORMATION FROM THE APPLICANT

- 4.01 Following the officer report to the meeting on the 16 March, the applicant has submitted additional supporting information.
- 4.02 The applicant has stated that the objector who had said that they had been unable to view the site was invited to a viewing of the public house to ascertain whether they had any interest.
- 4.03 The agent's report on the viewing was that the objector concluded that the building was unviable as a public house due to the investment required and the internal layout. The applicant has stated that following the viewing the individual stated that they had no interest in the building. The letter submitted by the applicant is included at the end of this report.

5.0 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;

(10) 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.

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.



Madeleine Rose

AGENTS for FINE
COUNTRY HOMES & COTTAGES

1 April 2017

S Allen Esq.
The Halfway House
Horsmunden Road
Brenchley
TN12 7AX

Dear Sam

The Railway Tavern, Staplehurst

I refer to your viewing and internal inspection of The Railway Tavern with your father at 2:30pm on 21 March 2017 and to our subsequent telephone conversation this morning at 11:46am. I refer also to my lengthy telephone call to your father at 2:50pm on 7 July last year.

This morning you confirmed that you do not wish to take your previous interest any further and that, upon inspection, you were disappointed to find that The Railway is unsuitable as a public house in its current form, in your opinion. You consider that the investment required to render the property viable as a licensed premises outweighs the likely benefit, even were our client to come to a generous accommodation on rent. In particular, you consider that the layout of the building does not lend itself to use as a contemporary licensed trade business.

Your reflections and opinions, as local award winning publicans, are noted.

Should circumstances change, please do not hesitate to contact us.

Yours sincerely,

pp M R Clarke