

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

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

Reason for Report:

1. These applications were considered by the Committee at its meeting on 16 June 2016 when the following was resolved:

“That notwithstanding the Officer’s recommendation, Application Nos DOV/15/00292 and DOV/15/00293 be DEFERRED for three months for the following reasons:

(i) To allow the community group(s) to submit a viable plan
(ii) To enable Officers to obtain a report on the marketing exercise/viability issues from an independent expert.”
2. The resolution therefore requires an updated report on the applications to be brought to this (September) meeting of the Committee.
3. Committee also needs to be advised that since the 16 June resolution the applicant has made appeals to the Planning Inspectorate against non-determination in relation to both applications. The decision on the applications now rests with the Planning Inspectorate. However, the Committee is now asked to resolve what decisions it would have made had it still been required to determine the applications. That resolution will then form the basis of the Council’s case to the Planning Inspectorate.
4. The 16 June report to Committee is attached to this report at Appendix 1. An extensive speaking note submitted by a public speaker at the 16 June meeting is attached at Appendix 2. The 16 June report had an earlier report to the 26 May Committee meeting appended to it and this is reproduced as Appendix 3 to this report.

Update on the Reasons for Deferral

Reason (i)

5. At the time of preparing this report a plan has not been received from any community group.
6. An email was, however, sent on 13 July 2016 from the Save the Red Lion group to members of the Planning Committee that indicated there were two potential buyers but the property had been taken off the market and that no access for viewing or surveys was being allowed by the owner. It requested that the three month deferral period should start from when viewings took place, made further criticisms of the marketing exercise and requested that the Committee ask the applicant to undertake a further period of marketing.
7. The validity of the requests in this email hinge on whether or not the marketing already undertaken by the applicant is sufficient. This issue is dealt with below under the second reason for deferral.

8. In addition to this a further 68 objections to the planning application have been received. All of these make the same points that: the Red Lion is of significant value to the community, its historic interest cannot be fully appreciated from the outside, it adds character to the village, it is a tourism attraction and source of employment, converting it will not add to the social fabric of the village – saving it will, and its loss would be of huge detriment to the community. One further representation has also been received in relation to the listed building consent application. This asserts that the loss of the Red Lion as a pub would affect the conservation area.
9. These additional representations do not raise any points that have not already been considered in the previous reports to Committee but they obviously add considerably to the volume of representations received.

Reason (ii)

10. An independent review of the marketing undertaken by the applicant has been commissioned from a suitably qualified and experienced person and is attached at Appendix 4.

In summary the review concludes that:

- The marketing meets the criteria in Policy DM24
- The asking price, although slightly ambitious, is within the range that could be considered to be acceptable
- Reopening as a pub may provide an operator with an income at minimum wage rates however given the significant capital required to be invested the return is a nominal profit and an prudent investor would obtain better returns elsewhere without the risk that attaches to a public house business.
- It is quite conceivable that the works needed to bring the property back into use as a pub could easily amount to a total cost in excess of £150,000.

Conclusion

11. The independent expert review of the marketing undertaken by the applicant has clearly found that it complies with the Council's requirements, as expressed in Policy DM24 and its supporting text. There is, therefore, in the view of Officers no basis for requesting the applicant to undertake further marketing or to provide any further period for offers to be formulated as requested by Save the Red Lion.
12. Notwithstanding this, the deferral period allowed by the Committee has not to date brought forward a viable plan to bring the Red Lion back into a pub use. While this may have been hampered by the inability of prospective purchasers to view the interior of the property, on the basis of the conclusion above, there is no planning reason for the applicant to have provided such opportunity.
13. Taking account of the above and all other relevant matters it is considered that the recommendation set out in the 16 June 2016 report stands for the reasons set out in the preceding reports. For ease of reference the recommendation is set out below.

I In respect of DOV/15/00292 PLANNING PERMISSION BE GRANTED, subject to conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) materials to be submitted, iv) Details of cycle and refuse storage areas shall be submitted to and approved in writing by the local planning authority and put in place before the first occupation of the dwellings commences and maintained

for such purposes thereafter, v) sample panel of brickwork to show bonding, type and style of pointing, for the proposed boundary wall, vi) any conditions requested by KCC Highways, vii) archaeological watching brief

II In respect of DOV/15/00293 LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) The works shall not be carried out otherwise than in accordance with detailed drawings; iv) such drawings to be submitted to and approved by the Local Planning Authority in writing to show details of any mechanical ventilation, flues, soil vent or other pipes and joinery details for new window; v) no cleaning of internal or external timbers, vi) the Sessions Book will remain *in situ* and shall not be removed or relocated without formal approval from the local planning authority.

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

14. As set out in paragraph 3 the decision on these applications no longer rests with the Committee but the Committee does need to resolve what its decision would have been had it still been determining the applications. This will enable the Council to present its case to the Planning Inspectorate.

Recommendation

The Committee resolves that had it been determining the applications it would have granted planning permission subject to the conditions summarised in paragraph 13 part I of this report and granted listed building consent subject to the conditions set out in paragraph 13 part II of this report.

Case Officer

Andrew Wallace