

MC/14/3836

Date Received: 29 December, 2014

Location: The Black Lion, 23 Mill Road, Gillingham, ME7 1HL

Proposal: Construction of 5 three bedroomed houses to the rear of The Black Lion PH and conversion of The Black Lion PH to 1 five bedroomed and 1 three bedroomed residential dwellings

Applicant: Bailey Partners Limited

Agent: Cook Associates Capital House 3 Jubilee Way Faversham Kent ME13 8GD

Ward Gillingham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 March 2015.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 007, 008 and 009 received on 29 December 2014 and 002A, 003A, 004A and 005A received on 13 February 2015

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

- 3 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the elevations of the buildings other than as hereby approved without the prior written approval of the Local Planning Authority

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. The approved boundary treatment shall be installed prior to first occupation of any of the units. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 Prior to the commencement of the development details of the lighting for the access road and external areas shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed on site before first occupation of any building on site and shall thereafter be maintained.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE1 and BNE8 of the Medway Local Plan 2003.

- 8 No dwelling shall be occupied, until the area shown on the submitted layout as vehicle parking space and garaging to serve that dwelling has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Local Plan.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

- 10 Prior to demolition and commencement of the development hereby permitted, a construction code of practice that describes measures to control noise and dust impacts arising from the construction and demolition phase of the development shall be submitted and approved in writing by the Local Planning Authority construction works shall take place in accordance with the approved code of practice.

Reason: To ensure occupiers of surrounding sites enjoy suitable protection from noise and dust during construction to accord with policy BNE3 of Medway Local Plan 2003.

- 11 No part of the development shall commence until amendments to the existing kerbside parking provision on Mill Road in the vicinity of the existing and proposed accesses have been undertaken in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: in order to provide suitable visibility from the new access in accordance with Policy T2 of the Medway Local Plan.

- 12 Prior to commencement of the development, details of a dropped kerb crossover access on to Mill Road and traffic calming measures on the internal access driveway shall be submitted to and approved in writing by Local Planning Authority. The approved details shall thereafter be installed prior to first occupation of the development.

Reason: In the interests of highway safety of vehicles and pedestrians using the access and public footpath in Mill Road.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application proposes to demolish the single storey side extension to the former Public House and to form a new access to serve a linked development comprising of two pairs of semi-detached and a single detached three bedroom houses, together with the conversion of the former public house into a five bedroom and a three bedroom dwelling. The access road would enter the site on the south side of the former public house and turn south towards the rear of nos 8 - 21 Mill Road. The proposed houses would face west fronting onto this road whilst to the rear they would back onto houses in Fox Street.

Each of the proposed houses would comprise a living/dining area, separate kitchen and downstairs toilet on the ground floor, with three bedrooms and a bathroom on the first floor. Each house would have a flat roofed single garage, which would link the properties. The roof of the garages would serve as a terrace providing an additional sitting out area.

The pair of houses that are proposed in the former public house would comprise a living area and a combined kitchen/dining area on the ground floor, with two/four bedrooms and a bathroom on the first floor, and one bedroom each on the second floor. The larger property would have an attached double garage to the side with access directly onto Mill Road. The smaller property would have a detached garage to the rear accessed via the proposed road.

The site is larger than that for the previous applications in so far as it includes the former public house and its immediate curtilage.

Site Area/Density

Site Area: 00.21 hectare (0.52 acre)

Site Density: 33 dph (13.4 dpa)

Relevant Planning History

- | | |
|------------|--|
| MC/12/0229 | Change of use of part of the Black Lion PH site to residential land together with the provision of a terrace of three and a pair of 2 bedroomed properties together with parking and associated highway alteration to provide a new access to the site, new disabled access to the public house together with the provision of 2 parking spaces for Nos 20 & 21 Mill Road. (Demolition of single storey side extension of the Black Lion PH)
Refused 21 May, 2012 |
| MC/09/0896 | Construction of six 2-bedroomed terraced properties (in two blocks of three) together with |

parking and associated highway alteration to provide a new access to the site (demolition of single storey side extension of the Black Lion PH) on land currently forming part of Black Lion Public House

Refused 07 September 2009,
Appeal Dismissed 1 September 2010

MC/08/1037 Change of use of residential land currently forming part of the Black Lion Public House site and construction of two 2-bedroomed and two 1-bedroomed flats and three 2-bedroomed terraced houses with new access (demolition of single storey side extension)
Refused 20 October 2008

MC/06/1775 Conservation area consent for the demolition of 20 and 21 Mill Road and flat roofed area of Black Lion Public House
Refused 10 November 2006

MC/05/2375 Conservation area consent for the demolition of 20 and 21 Mill Road
Refused 19 January 2006

MC/05/2273 Demolition of 20 and 21 Mill Road and construction of a two storey block comprising twelve 1 and 2-bedroomed flats for the elderly
Refused 3 January 2006

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

No representations have been received.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle

The site lies within the urban area where the principle of a residential development is

accepted in accordance with the provisions of Policy H4 of the Medway Local Plan 2003. The proposed scheme also represents backland development and therefore must be assessed against Policy H9 of the Local Plan. The site is also within the Brompton Lines Conservation Area and therefore any development would also fall to be assessed under Policy BNE14 of the Local Plan.

This application also proposes the conversion of the former public house into two dwellings and therefore falls to be assessed under Policy CF1 of the Local Plan which seeks to retain existing community facilities. In this instance it is submitted that there are other public houses and community facilities in the immediate locality, while the public house has been closed for a while and is no longer considered to be viable.

Paragraph 25 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites. Being close to the town centre but within a predominantly residential area, the site is appropriate for residential development. Paragraph 50 of the NPPF states Local Planning Authorities should deliver a wide choice of high quality homes.

The principle of the residential development of the site is considered to be acceptable and in accordance with the Local Plan and the NPPF.

Density

The current application site at 0.21 ha is larger than the application site for the previous application, at 0.135 ha and consequently the density of the proposed development, at 33 d.p.h. is lower than that for the previous scheme of 37.03 d.p.h. The density is considered to be acceptable in this location and no objection is raised in this regard.

Design and appearance and effect on the character of the Conservation Area

Alterations to Black Lion

The principle external alteration to the former Black Lion PH is the removal of the single storey extension between the building and 21 Mill Road in order to allow access to the site. Although in the same 'Arts and Crafts' style as the main building, this is a more recent addition. It is not a strong presence in the streetscape of this part of the conservation area and its demolition to make way for a new site entrance is therefore acceptable. The extension between the building and No. 24 Mill Road is also a later addition. There is therefore no objection to the removal of the side extension to the building provided that brickwork is made good prior to the building being occupied.

With regard to the conversion of the former public house, it is recommended that permitted development rights are removed in order to control changes to the front elevation and to preserve the character of Conservation Area.

New build element:

The design of the proposed new houses, and associated garages, is modern but due to its backland position it will not impinge upon the character and appearance of the Conservation Area. It would create its own distinctive character within the area. It should be noted that there has been new development nearby in Mill Road, which although just outside the Conservation Area is, nevertheless more prominent and as such would have a greater impact on the character and appearance of the Area, than the proposed scheme which would be hidden and as such have minimal impact.

No objection is, therefore raised in terms of design and appearance under Policies BNE1, BNE 14 and H9(vi) of the Local Plan.

Medway Housing Design Standards (MHDS)

Proposed new three bedroom houses (x5)

Number of bedrooms	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living Good practice Minimum floorspace	Proposed Living floorspace	MHDS Dining Good practice Minimum floorspace	Proposed Dining floorspace	
3b 5p	96 sq m	100 sq m	16 sq m	16 sq m	12.8 sq m	10 sq m	
MHDS Kitchen Good Practice Minimum floorsp	Proposed Kitchen floorspace	MHDS Bedroom Good practice Minimum floorspace	Proposed Bedroom floorspace (1)	Proposed Bedroom floorspace (2)	Proposed Bedroom floorspace (3)	MHDS Bathroom Good Practice Minimum floorspace	Proposed Bathroom floorspace
8.3 sq m	8.2 sq m	Double 12sqm Single 8 sqm	13.7 sq m	13.1 sq m	8.4 sq m	6.8 sq m	4.4 sq m + 3.5 sq m + 2.6 sq m

Former public house Unit 1

Number of bedrooms	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living Good practice Minimum floorspace	Proposed Living floorspace	MHDS Dining Good practice Minimum floorspace	Proposed Dining floorspace	
3b 5p	102 sq m	146 sq m	16 sq m	17 sq m	12.8 sq m	14.8 sq m	

3 storey							
MHDS Kitchen Good Practice Minimum floorsp	Proposed Kitchen floorspace	MHDS Bedroom Good practice Minimum floorspace	Proposed Bedroom floorspace (1)	Proposed Bedroom floorspace (2)	Proposed Bedroom floorspace (3)	MHDS Bathroom Good Practice Minimum floorspace	Proposed Bathroom floorspace
8.3 sq m	10 sq m	Double 12sqm Twin 12sqm	22.7 sq m	18 sq m	17 sq m	6.8 sq m	4.7sq m + 3.5 sq m + 4.8 sq m + 2.2 sq m

Former public house Unit 2

Number of bedrooms	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living Good practice Minimum floorspace	Proposed Living floorspace	MHDS Dining Good practice Minimum floorspace	Proposed Dining floorspace	
4b 6p 3 storey	113 sq m	171 sq m	17 sq m	20 sq m	14.4 sq m	16.3 sq m	
MHDS Kitchen Good Practice Minimum floorsp	Proposed Kitchen floorspace	MHDS Bedroom Good practice Minimum floorspace	Proposed Bedroom floorspace (1)	Proposed Bedroom floorspace (2)	Proposed Bedroom floorspace (3)	Proposed Bedroom floorspace (4)	Proposed Bedroom/ study floorspace (5)
9.6 sq m	8.5 sq m	Double 12sqm Twin 12sqm	19.1 sq m	15 sq m	12 sq m	6.8 sq m	7.5 sq m
MHDS Bathroom Good Practice Minimum floorspace	Proposed Bathroom floorspace						
6.8 sq m	4 sq m + 3.6 sq m + 6.7 sq m + 2 sq m						

In terms of internal floorspace, all of the proposed new houses would comply with MHDS. The proposed houses within the former public house would far exceed MHDS in terms of overall floorspace. Although the kitchen floorspace would fall slightly below standard for one unit, the overall living kitchen dining floorspace would exceed the standard. Accordingly, no objection is raised in terms of internal floorspace.

Due to the constraints of the site, the minimum garden lengths are 7m. The gardens would, however, conform with 7m minimum length laid down by the MHDS for constricted sites. Furthermore, the proposed gardens are quite wide and are therefore considered to have an adequate area. Having regard to the limitations of the site, the scheme has been carefully designed to provide adequate amenity for new residents and for residents in existing properties. It is nevertheless recommended that a condition be attached to any planning permission removing permitted development rights so that future residential amenity can be protected.

Subject to this condition, no objection is raised to the proposed development in terms of MHDS and the amenity of the occupiers of the proposed development under Policies BNE2 and H9(v) of the Local Plan.

Neighbour Amenity

The back-to-back distance between existing houses and new would normally be expected to be 20m, although MHDS allows for distances less than this in urban areas where dwellings are no more than two storeys in height and adequate daylight continues to be received by existing dwellings. Although the proposed houses would have relatively short gardens, the existing houses in Fox Street to the rear have long rear gardens and at the closest point the back to back distance would be 24m.

The distance from the front of the proposed houses to the rear of the houses in Mill Road, at 9.5m, is more critical. However, the scheme has been carefully designed to address any issues relating to loss of privacy with high level and angled windows to ensure there would be no direct overlooking towards the rear of those properties.

A basic vertical sky component (VSC) measurement has been taken at the closest point between the new development and existing houses on Mill Road and this shows that daylight to the habitable rooms of existing dwellings would not be affected to a noticeable degree.

Under the circumstances, no objection is raised in terms of neighbour amenity under Policies BNE2 and H9(i) & (iii) of the Local Plan.

Trees

There are a number of trees on site, none of which are subject of a tree preservation order or make a positive contribution to the character of the area. Any issues relating to the trees can be considered as part of submissions pursuant to a landscaping condition. No objection is, therefore raised under Policy BNE43 and H9(iv) of the Local Plan.

Highways

Medway Council's adopted Residential Parking Standards, require the provision of two parking spaces per dwelling. Each of the proposed houses would have a garage and a parking space, with the larger property in the former public house having a double garage and two spaces. A visitors'/casual parking space is proposed on the southern boundary. No objection is raised in respect of Policy T13 of the Local Plan.

The TRICS trip generation database indicates that the proposed development would be likely to generate around 28 vehicle movements along the access road per day. It estimates that there will be a maximum of two trips per hour during the peak periods, with an average of only one trip per hour during the rest of the day. This evidence indicates that the access would be lightly used, and that two vehicles meeting on it at the same time would occur very infrequently. If this did happen, there is a short section adjacent to the existing public house that would allow two cars to pass each other. No objection is, therefore raised in terms of traffic generation under Policy T1 of the Local Plan

The access is 4.7 metres wide, with the exception of a short section that narrows to around 3.7 metres. It is considered that a dropped kerb crossover would be an appropriate access design for a private driveway serving a small number of dwellings. and would also ensure that pedestrians have priority and require vehicles to emerge slowly. It is recommended that a condition be attached to any planning permission requiring the provision of a raised table or rumble strip on the first section of the access drive. In order to provide suitable visibility along Mill Road to the south, it will be necessary for the parking bay to be shortened by around six metres. With the public house no longer needing deliveries, a new kerbside bay could be provided to the front of the retained building. It is therefore requested that adjustments to the kerbside parking provision be secured by planning condition. On-site turning provision is shown on the amended layout. No objection is raised in terms of the access to the site under Policies H9(ii) and T2 of the Local Plan.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of design, amenity and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the Policies BNE1, BNE2, BNE12, BNE13, BNE14, BNE43, H4, H9, T1, T2 and T13 of the Medway Local Plan and the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for member consideration due to the fact members previously considered the last scheme.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>