

MC/16/1624

Date Received: 12 April, 2016

Location: The Countryman, 134 Saunders Street, Gillingham, ME7 1HP

Proposal: Conversion of an existing drinking establishment (class A4) and function room (class D2) with an existing flat above (class C3) into 2 residential terraced houses and 4 residential flat units (class C3) - resubmission of MC/16/0534

Applicant: Goldex Investments Ltd

Agent: Mr Singh Architecture Design Limited The Joiners Shop The Historic Dockyard Chatham, Kent ME4 4TZ

Ward Gillingham North

Case Officer Hannah Gunner

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 27 July 2016.**

**Recommendation - Approval, subject to:**

- A) The completion of a Section 106 Agreement securing £1341.48 towards Designated Habitats Mitigations;
- B) The following 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 received 12 April 2016:

- 08.41.1
- 08.41/2
- 08.41/3
- 08.41/4
- 08.41/5
- 08.41/6

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

- 3 The ground and first floor west elevation windows shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The tiled frontage to The Countryman Public House facing out to both Saunders Street and Fox Street shall remain in place and shall at no point be removed or covered (by way of paint or render). Any works or alterations to these facades will need to be submitted to and approved in writing by the Local Planning Authority prior to works being undertaken.

Reason: To ensure that the development retains its distinctive character within the Conservation Area.

- 5 Prior to the commencement of any external works to the pub frontage, details of the alterations to the glazing within the main pub frontage (to include alterations and replacement of etched glazing and glazing panels) shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To ensure that any necessary alterations to the glazing do not impact on the character of the property and its appearance within the Conservation Area.

- 6 Prior to the first occupation of development, the parking restrictions along the Fox Street elevation shall be removed and the area shall be re-lined via a Traffic Regulation Order, as agreed in the agent's email dated 5 July 2016.

Reason: To allow for additional kerbside parking in the area to accommodate additional demand generated by the development.

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

## **Proposal**

Conversion of an existing drinking establishment (class A4) and function room (class D2) with an existing flat above (class C3) into 2 residential terraced houses and 4 residential flat units (class C3) - resubmission of MC/16/0534.

The existing building consists of a public house with bar and toilet facilities to the ground floor and a basement storage area. To the first floor, facing along the Fox

Street elevation is a large function room with its own bar and toilet facilities that were hired out separately for events. To the first floor over the corner section of the pub is a flat, serving as managers accommodation for the public house.

The proposed houses would be located at no.134 (which is the adjacent unit linked to the pub and had the public bar entrance within it) and at the rear of the Countryman, fronting Fox Street. Each of these units are shown to be 2 bed/3 person homes with small courtyard areas at the rear.

The flats that are proposed are all 1 bed/2 person homes, with 3 of the 4 being accessed from Fox Street and 1 being accessed from Saunders Street. A 9m<sup>2</sup> bin store area is located within an existing storage area at the rear of the public house.

### **Site Area/Density**

Site Area: 0.0271 hectares (0.067 acres)

Site Density: 221.4 dph (89.6 dpa)

### **Relevant Planning History**

MC/16/0534	Conversion of an existing drinking establishment (class A4) and function room (class D2) with an existing flat above (class C3) into 4 residential terraced house units (class C3) Decision Withdrawn by Applicant Decided 6 April, 2016
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### **Representations**

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

Three letters have been received raising the following objections:

- Parking in this area is a nightmare and adding more dwellings will add to the problem;
- The restrictions on Fox Street ought to be changed to let proposed occupants park there;
- Rear gardens of 136-142 Saunders Street will be overlooked.

### **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**

#### *Background*

This application has been submitted following the previous application for conversion to residential having been withdrawn on the basis that there were a number of alterations and amendments that needed to be carried out. The previous scheme was for a terrace of four houses just within The Countryman.

The property is not listed but does fall within the Brompton Lines Conservation Area. It is situated towards the north-east boundary of the Conservation Area and the area directly to the south of the property falls outside the Conservation Area. The building was most likely constructed in the late C18. serving the community of Brompton and Gillingham for many decades.

### *Principle*

The Countryman Public House is a vacant property in a state of disrepair. Internally, there is a substantial amount of debris and it is apparent that the premise has not been in use as a Public House for a while. It is understood that this drinking establishment has been struggling over recent years to financially survive with the current downturn in the Public House trade and has been relying on the function room facilities as its main source of revenue. Last year, in a massive state of disrepair, the building was taken into repossession. No longer viable to maintain, the building was put up for sale in October/November 2015.

The application site is located within a predominantly residential area but has been in use as a Public House since it was first built in the late 18<sup>th</sup> Century. Policy CF1 of the Medway Local Plan (2003) supports community facilities, however stipulates that the loss of these is only acceptable in exceptional circumstances. It is generally known that the 'pub trade' is a struggling one and that in recent years there has been a sharp increase in the number of pubs that are closing within the UK daily. The British Pub Association stated in 2015 that up to 29 pubs have been closing every week in the UK.

The loss of this particular premise as use as a Public House is to be considered against this policy (CF1). The pub here ceased trading in July/August 2015 and was marketed for sale in October 2015. The marketing agents do not have any detailing on trade or barrelage given that the business was no longer in use. When marketed it was done so as a Public House and the particulars were sent out to 9,414 people, all registered to be interested in commercial properties for sale within this area of Kent. Of these 9,414, 3,791 were sent further property updates. The selling agents have confirmed that the owners of the pub (Enterprise Inns) requested a deadline for offers as they wanted to sell the building as soon as was possible. The sale was agreed and finalised in January 2016.

Whilst no evidence has been given or submitted, discussions with Enterprise Inns have confirmed that prior to the closing of this pub, then subsequent sale, they were struggling to find tenants as it was losing trade steadily and had been doing so over the past few years. In the same regard, no evidence has been received that implicates that there is a need for this facility within the area either. A number of neighbour consultation letters were sent out and site notices were erected on site, which has given opportunity for local residents to express views on the loss of the community facility. No neighbours or members of the wider community have objected

or commented on the loss of the pub, which strongly indicates that its closure has not resulted in the loss of a community facility that cannot be provided elsewhere.

Housing policy H4 supports in general the reuse of existing buildings no longer required for non-residential use, subject to their being a clear improvement on the area. As will become apparent below, it is considered that this proposal is a positive contribution within the street scene. The loss of the community facility has already been considered above. Given this information, it is considered that the principles of H4 have been adhered to.

It is also acknowledged that Medway Council does not currently have a 5 year land supply and given this fact, paragraph 49 of the NPPF applies. The NPPF contains a presumption in favour of sustainable development where the development is in accordance with the Development Plan. Paragraph 49 states 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' Therefore relevant policies for the supply of housing should be given less weight and decisions made with reference to the presumption of sustainable development.

It is understood that a large number of people were notified of the sale by the marketing agents, and that prior to sale this was a facility in demise. It is understood that no expressions of interest were received to run this property as a Public House. In addition, no representations have been made to support the community facility during the course of the application. This has all been weighed up with the housing land supply shortfall, and therefore on balance, the lack of detailed marketing information is not considered to be sufficient in itself to justify a recommendation of refusal.

### *Design*

In addition to the objectives of BNE1 of the Medway Local Plan, given that this application is within the Brompton Lines Conservation Area, it is necessary to have regard to Policy BNE14 of the Medway Local Plan as it takes account of the need to ensure that development within Conservation Areas needs to be respectful of the character of the area and of the buildings themselves and look to preserve or enhance the historic appearance of the overall area.

In this particular instance, the application shows that the tiled feature at the front of the property is to remain and that the character of the original building is to be preserved. The removal of the timber clad exterior at first floor level fronting Fox Street will also enhance the physical appearance of the property. Discussion was had with the agents at the stage of the previously withdrawn application and it was agreed at this point that the tile design fronting Saunders Street and wrapping round to Fox Street would remain in place. The main external alterations that will be occurring at this property relate to the removal of the timber cladding at first floor level on Fox Street and the alteration to the windows and doors. The Saunders Street elevation would not be altering in any significant way (albeit the replacement of some glazing) as the windows and doors are shown to be the same as the existing. If they are to be

replaced it is considered appropriate to be on a complete like-for-like basis and would not alter or harm the setting of this building within the Conservation Area.

On the Fox Street elevation, there are some fenestration alterations proposed that would change the physical appearance of the property. At first floor level, an additional window shown to be the same in size scale and appearance to the existing would be added. This also includes the removal of the fake louvres. At ground floor level new residential doors are to be added along with alterations to windows. Two high level windows are to become full length with a sash style window being proposed to match the rest of the building. These alterations overall are all considered to be in keeping with the style of the original building and are supported here.

The measures that have been taken to ensure that the tiling and window features are preserved are considered to be acceptable and the scheme is considered to be acceptable in respect of visual amenity.

### *Residential Amenity*

*Impact on future occupants:* Part of a scheme's acceptability is in relation to the amenity of future occupants, in respect of the proposed accommodation. This requires consideration of the National Housing Standards (NHS). The application is a mixture of 2 bed/3 person houses and 1 bed/2 person flats. The scheme is set out below:

Unit no.	Overall unit size (m <sup>2</sup> )	Standard (m <sup>2</sup> )	Bedroom size(s)	Standard	✓ / ✗
1	80.5	70 (2b/3p house)	14m <sup>2</sup> /9m <sup>2</sup>	11.5m <sup>2</sup> /7.5m <sup>2</sup>	✓
2	62.2	50 (1b/2p flat)	15m <sup>2</sup>	11.5m <sup>2</sup>	✓
3	50.3	50 (1b/2p flat)	13m <sup>2</sup>	11.5m <sup>2</sup>	✓
4	68.5	70 (2b/3p house)	11m <sup>2</sup> /10m <sup>2</sup>	11.5m <sup>2</sup> /7.5m <sup>2</sup>	✗
5	48.2	50 (1b/2p flat)	12m <sup>2</sup>	11.5m <sup>2</sup>	✗
6	58.2	50 (1b/2p flat)	13m <sup>2</sup>	11.5m <sup>2</sup>	✓

As can be seen from the above table, all of the proposed units provide appropriate sized bedroom areas, however units 4 and 5 fall short in terms of the overall size.

Unit 4 is the two storey house that is being re-instated at no.134. Whilst this falls slightly below with the National Housing Standards, it is nevertheless in keeping with the adjacent terrace housing and is in fact the re-instatement of the house as originally built. The basement at this property is included as this is considered to be usable space which is to be available for the residents. The bedrooms here are considered to be a suitable size. Whilst this house may be small it is directly comparable to the rest of the terrace and given that this is a re-instatement of the original house, it is considered to be acceptable.

Unit 5 is shown to be 1.85m<sup>2</sup> short of the National Housing Standard, however is shown to provide a 12m<sup>2</sup> bedroom along with separate storage areas, a good sized bathroom and an open plan kitchen/lounge/dining area. Given that the flat layout allows for a functional space with suitable room sizes, it is considered that this small shortfall could be accepted in this circumstance.

Overall, it is considered that the 4 x 1 bedroom flats provided, along with the 2 x 2 bedroom houses, are considered to be acceptable in terms of their overall size.

The general layout of the proposed flats shows that the kitchen and living spaces will not be compromised due to stacking and that in general these will complement each other. Building regulations will ensure that sufficient sound insulation measures are taken into account.

*Impact on surrounding occupants:* Some of the concerns expressed by the neighbouring properties relate to the proposal overlooking the rear garden areas to no's 136-142 Saunders Street. The impact of the proposal on these properties has been considered and it can be seen from the plans that all of the habitable space for the first floor units faces out toward Saunders Street or Fox Street. The windows that face out to the rear gardens of these neighbouring houses all serve non-habitable spaces, such as storage areas, dressing areas or hallways. Given that this is the case, it is considered appropriate to condition the consent here to ensure that all first floor west facing windows are obscure glazed and non-opening. Making these windows obscure glazed would prevent unacceptable overlooking.

The private amenity provision for the proposal is very limited. The reinstated house at no.134 (unit 4) is to have a modest courtyard garden, which would be accessed through the kitchen area. The windows that face this area (within unit 2) are all to be obscure glazed, so are not considered to overlook or impact upon this space. The outdoor area for unit 1 is again a small courtyard space. This allows for there to be some private amenity provision but nothing that could be considered as outdoor family amenity space. In reality, this could be large enough to accommodate some patio furniture. Given that again, this is a small family unit (3 person) the garden size is considered to be acceptable in this particular circumstance. Open space is available to the west of this scheme (Great Lines Heritage Park) within a reasonable walking distance (within 300m).

On the basis that there is small courtyard provision for the proposed houses and also available open space within a reasonable distance, the private amenity provision here is considered acceptable.

### *Highways*

No parking provision would be provided as part of the proposal. The location of the development is 0.5 miles from Gillingham Railway Station and an even shorter walk to nearby bus stops. The proposal is for 2 x 2 bed houses and 4 x 1 bed flats, which could require a maximum of 9 car parking spaces (max of 1.5 spaces per unit), in accordance with the Council's Parking Standards.

Given that the parking within this area in general is restricted, it is considered that there is justification here to incorporate the removal of the existing parking restrictions along the Fox Street elevation as part of this application. This requires the applicant to fund the Traffic Regulation Order and enable re-lining (which would be in the region of £1,500). The applicant has been advised of this fact and as a result, a condition has been imposed to ensure that this contribution is received and the works are

carried out prior to the occupation of the development.

### *Refuse storage and collection*

The existing storage area at the south of the site is proposed to be used as a formal bin area. This would be used by units 1, 2, 5 and 6 as they all have their entrances on Fox Street. Whilst this refuse area would be available for all units, it is envisaged that the house at 134 (unit 4) and the adjacent 1 bed unit (unit 3) may adopt a similar stance to their immediate neighbours and deposit refuse at the front of their properties for direct collection. Should this be the case, both of these units have suitable internal storage to hold waste until collection day (unit 3 has a storage area by the entrance door and unit 4 has the courtyard at the rear).

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per additional dwelling (excluding legal and monitoring officers costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014.

The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and have submitted a Unilateral Undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

### **Conclusions and Reasons for Approval**

The conversion of this vacant Public House is considered to be acceptable in principle, given that the building has been vacant for in excess of 1 year and that prior



to this the pub business was struggling to survive. The units that are being proposed for this scheme are considered to be acceptable in relation to residential and visual amenity and highways safety, subject to the completion of a Unilateral Undertaking and conditions. This application is compliant with policies BNE1, BNE2, BNE14, H4 and CF1 of the Medway Local Plan (2003) and is also supported in terms of the principles of the National Planning Policy Framework.

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## **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/>