

MC/16/2767

Date Received: 28 June, 2016

Location: The Barge, 63 Layfield Road, Gillingham ME7 2QY

Proposal: Conversion of existing public house to one 2-bedroomed and one 3-bedroomed dwellings

Applicant: Khansons Properties LTD

Agent: Miss Gulacsi Architecture Design Limited The Joiners Shop The Historic Dockyard Chatham ME4 4TZ

Ward Gillingham North

Case Officer Majid Harouni

Contact Number 01634 331700

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16 November 2016.**

**Recommendation - Approval subject to:**

A. The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling created towards Designated Habitats Mitigation.

B. The imposition of 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:72.02/A.01, 72.02/A.02, 72.02/A.03, 72.02/A.04, 72.02/A.05, 72.02/A.06. received 07/10/2016.

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

3 None of the dwellings hereby approved shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to

be erected. The approved boundary treatment shall be completed before any of the dwellings are first occupied and shall thereafter be retained.

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) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A, B and C 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 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.

- 6 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and the assessment shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm<sub>ax</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenities of the future occupiers and in compliance with policy BNE2 of the Medway Local Plan.

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

## **Proposal**

Conversion of existing public house to a 2 bed roomed and a 3 bed roomed dwellings.

House no 1 would have one bedroom, a bathroom and a study at first floor level and one bedroom, a bathroom, kitchen and lounge/diner at ground floor.

House no 2 would have two bedroom and a bathroom at first floor with reception, further bedroom with ensuite, bathroom, utility room, kitchen/diner, study and lounge at ground floor.

The proposal also involves addition of roof light to the rear single storey flat roof area of the building to provide natural light to the kitchen and diner areas of the 2 bedroom dwelling. There are also some minor changes to the rear elevation to provide patio doors to provide light to the living area of houses. The rear garden area would be subdivided to provide a long garden to serve each property.

## **Site Area/Density**

Site Area: 0.0445hectares ( 0.111acres)

Site Density:44.8 dph (18 dpa)

## **Relevant Planning History**

While there is some planning history relating to the pub, none of it is relevant to the consideration of this application.

## **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.

**5 letters** have been received raising the following objections:

- Parking is a problem in Layfield Road and the development would exacerbate the situation.
- The proposal would represent a high density development in this area.
- Noise and disturbance during the construction period.

## **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**

### *Introduction*

Members will recall that this application was considered at the 21 September Planning Committee when members accepted the principle of the change of use of the public house to residential use. However, members felt that the proposed layout for 3 dwellings would result in creation of a poor layout and suggested that the applicant considered converting the building to two dwellings in order to achieve a more satisfactory internal layout for the future occupiers.

Members suggestion was accepted by the applicant and revised layout and elevation drawings have been submitted for two dwellings.

### *Principle*

The Barge comprises a public house at ground floor with ancillary residential facility at first floor level. The application would result in the loss of a public house. The site is not designated for a particular use under the Medway Local Plan 2003 (the Local Plan), however, the loss of a public house should be examined under policy CF1 of the local plan relating to community facilities. The applicant is the owner of the application site and The Ship Inn public house on the corner of Court Lodge Road. He has stated that The Barge is no longer viable and the residue business has been transferred to The Ship Inn pub. A recent site visit has confirmed that the pub is closed and has been boarded up.

The site is located at the end of a primarily residential cul de sac and is outside of any Town or Local Centre. The Ship in is to the east of the site and also has prominence onto Pier Road. There have been a great many closures to public houses in Medway and the immediate area in the relative recent past and many indeed have been converted to residential use. Due to its location this is not an ideal site for a pub and there is very limited passing trade. In addition no enquiries have been made for the case for it to be made a community asset and it is not in a great location for a community use due to its cul de sac location, poor access and lack of parking. As a result it is not considered that its change of use from pub/community facility to residential is objectionable in principle.

The building is located within the urban boundary in a residential area and therefore the introduction of residential use is considered acceptable. Accordingly the principle of the development is considered acceptable and in accordance with Policies H4 and CF1 of the Medway Local Plan 2003.

### *Street scene, Design and Conservation Area*

The application site is situated on the northern edge of Grange Road Conservation Area. The Barge street facade has render at ground and weather boarding at first floor level. The character of the street is primarily of two storey Victorian terrace type houses with render finish of varying different colours defining their street elevation and facade. The proposal as amended would not result in any change to the front

elevation of the building and minor changes to the back ground floor fenestration. The proposal therefore would not detract from the street scene or the character of the conservation area. The proposed changes to the rear elevation involving roof light and patio doors would not detract from the conservation character of the area or the existing property. Accordingly the proposal is considered acceptable and in accordance with Policy BNE12 and BNE14 of the Local Plan.

*Amenity Considerations:*

The proposed gross internal area of these dwelling houses would exceed the nationally recognised space standard. The dwellings would also have a very large rear garden in excess of 75sqm.

Both dwelling houses, as can be seen from the table below, would be above the national space standards with respect to their gross floor areas, bedroom sizes and lounge areas.

<b>House</b>	<b>Number of bedrooms</b>	<b>proposed 2 storey dwellings gross internal floor area</b>	<b>Nationally described housing Standards 2 storey dwelling Gross internal floor area</b>
<b>2</b>	<b>2b4p</b>	<b>83sqm</b>	<b>79sqm</b>
<b>3</b>	<b>3b5p</b>	<b>142.sqm</b>	<b>93sqm</b>

The scheme would provide a satisfactory living space for the future occupiers of these dwellings, as such it is considered the proposals accord with policy BNE2 of the Medway Local Plan 2003.

In terms of neighbour amenity there is no part of the application that would result in harm to their amenity. In deed the use of the premises for 2 houses rather than as a public house/community use could be seen as a lesser use and neighbour amenity improve as a result.

*Highways*

The Barge has no on site car parking. The Barge consists of a public house with a 195m2 floor area function room. Based on the Medway Council Parking Standards; the pub and the 3 bed residential unit at first floor level would have generated demand for about 50 car parking spaces by the pub patrons and the occupiers of the residential unit. In addition, there would have been a requirement for regular deliveries by typically 7.5m box lorry to serve the wet trade of the public house.

The proposal for 2 houses, being one 2 bedroom and one 3 bedroom houses, according to current standards would require a total of 4 parking spaces. It is therefore considered that the proposed development would result in generation of substantially fewer vehicle movements and the demand for less car parking spaces than the use of the premises as a public house with residential unit above.

On this basis, the proposal is considered to be acceptable and not contrary to Policies T1 and T13 of the Local Plan.

### *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 dwelling (excluding legal and monitoring officer 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 applicant has agreed to pay this tariff and has 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 proposed development is considered to be acceptable in terms of its principle and its impact on the street scene, neighbour amenities, conservation area and highway. The proposal accords with the provisions of policies BNE1, BNE2, BNE12, BNE14, BNE35, T1, T13, H4 and CF1 of the Medway Local Plan 2003 and is as such therefore, it is recommended for approved.

The application would normally be determined under delegated powers but is being referred to Planning Committee due to the extent of the representations received expressing a view contrary to the recommendation.

---

## **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/>