

MC/16/5042

Date Received: 15 December, 2016

Location: The Barge 63 Layfield Road Gillingham ME7 2QY

Proposal: Conversion of existing public house to three 1 bedroom flats and one 3 bedroom flat

Applicant: Khansons Properties LTD

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

Ward Gillingham North

Case Officer Majid Harouni

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 15 February 2017.**

#### **Recommendation - Refusal**

- 1 The proposed development by reason of the unsympathetic alterations to the front elevation of the building would be detrimental and harmful to the character and appearance of the conservation area and the street scene. It is further considered that the contrived internal layout arrangement, substandard floor sizes of flats 2 and 3 and substandard level of amenity area for flats 2 and 4 would result in a poor standard of accommodation and living environment for the future occupiers of these flats and as such the proposal fails to accord with the provisions of Policies BNE2, BNE12 and BNE14 of the Medway Local Plan 2003.
- 2 The proposed refuse provision by reason of its poor location and potential unpleasant odour would be detrimental to the amenities and well being of the occupiers of flats 2 and 3. As such, the proposal is contrary to Policy BNE2 of the Medway Local Plan 2003.

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

#### **Proposal**

Conversion of existing public house to 4 flatted dwellings comprising 3 one bedroom flats and 1 three bedroom flat.

Flat 1, situated on the eastern side of the ground floor; comprising independent street front door, one bedroom to the front, a long narrow corridor leading to a bathroom and an open plan kitchen and lounge area with patio doors leading into the rear garden area.

Flat 2, situated at first floor level, accessed from the newly created communal street front door, a secondary front door from a shared hallway leading to the first floor. This unit comprises 3 separate bedrooms, lounge, kitchen and a bathroom. This flat has no amenity area or access to the back garden.

Flat 3, situated to the rear of the property, accessed from the newly created communal street front door, a secondary front door from a shared hallway. This flat comprises one bedroom with patio doors opening into the rear garden, an open plan kitchen and lounge room with patio doors opening into the rear garden, bathroom opening into the lounge area. Kitchen window opens into an enclosed small court yard area.

Flat 4, situated along the western side of the building with an independent street front door and individual rooms off a long corridor. Bedroom to the rear opens up into a court yard area also over looked from the kitchen window of the flat 3. The court yard area measures 2.3m by 2.9m (less than 7m<sup>2</sup>) is the only amenity area provided for this flat would be accessed through the bedroom.

Refuse facility for these flats are provided next to the access to flat 2. All flats would access the refuse bin store room via the newly created street front door.

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 flat 1.

The rear garden area would be subdivided to provide a long garden to serve flats 1 and 3.

### **Site Area/Density**

Site Area: 0.0445hectares ( 0.111acres)

Site Density: 84.2 dph (37 dpa)

### **Relevant Planning History**

MC/16/2767

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

#### **Decision Approval With Conditions**

**Decided** 1 December, 2016

MC/06/1724

Construction of single storey extension to the rear, insertion of double doors and fitting of Juliette balcony at first floor rear and relocation of window at first floor rear

**Decision** Approval with Conditions

**Decided** 10/11/2006

## **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.

**6 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.
- The pub should be retained as a community asset.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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*

Members will recall at the 21 September 2016 Planning Committee where the principle of the change of use of the public house to residential use was accepted but considered the proposal for its conversion to 3 dwellings unacceptable due to poor and contrived internal layout. As a result the application was deferred and the applicant was asked to reduce the number of units to 2 and improve the layout of the proposed new units. The application was amended accordingly and the application was approved by Members at the 19 October 2016 Planning Committee.

This application seeks permission for the conversion of the public house to 4 dwellings comprising a 3 bedroom flat and 3 one bedroom flats together with provision for internal refuse storage facility, alteration of the front elevation involving the removal of the original double doors front entrance with frame remaining but filled and an original window replaced with two smaller doors to provide access to the proposed flats as described in the proposal section above.

### *Principle*

The Barge comprises a public house at ground floor with ancillary residential facility at first floor level. The principle of the conversion of this public house to residential use and thus loss of a public house has already been accepted and approved by virtue of planning permission granted under ref MC/16/ 2767. Accordingly the principle of 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 proposals show that the original double doors will be removed with the frame remaining but infilled and two smaller new doors to match the existing subservient door to the side would be installed to provide access into each flat. These changes would have a detrimental affect on the façade of the building within the Conservation Area.

The proposed changes to the rear elevation involving roof light and patio doors would not detract from the character of the conservation area or rear aspects of the property.

The alterations proposed to the street facade of the building is considered to be contrived to suit the proposed internal layout of the proposed flats and the adverse impacts resulting from the removal of these two original features have not been given due consideration. The proposal therefore would detract from the street scene and the character and appearance of the conservation area. Accordingly, the proposal is considered unacceptable and contrary to Policies BNE12 and BNE14 of the Local Plan.

#### *Amenity Considerations:*

The proposed gross internal area of these flatted dwellings would in respects of flat1 and 4 exceed the nationally recognised space standard and with regard to flats 2 and 3 fall short of the minimum expected standards. (See table below)

<b>Flatted dwellings</b>	<b>Number of bedrooms</b>	<b>proposed dwellings gross internal floor area</b>	<b>Nationally described housing Standards single storey dwelling Gross internal floor area</b>
<b>Flat 1</b>	<b>1b2p</b>	<b>53.85sqm</b>	<b>50sqm</b>
<b>Flat 2</b>	<b>3b4p</b>	<b>72.25.sqm</b>	<b>74sqm</b>
<b>Flat 3</b>	<b>1b2p</b>	<b>44.83.sqm</b>	<b>50sqm</b>
<b>Flat 4</b>	<b>1b2p</b>	<b>51.45.sqm</b>	<b>50sqm</b>

In addition, it is significant to note that flat no. 2 as a potential family unit does not have access to any amenity/ garden space and one of the bedroom of the flat (no. 2) would be situated over the lounge/diner area of flat no. 4 causing conflict of use and potential harm to the amenities of the occupiers of flat 2 by reason of noise and general disturbance.

However, stacking between the flats at ground floor and first floor level could potentially be overcome by insulation of standards required by the Building Regulations measures.

For this reason it is considered that the impact of the proposal on the amenity of the neighbouring residents within the property would not be significant and could be met by a planning condition.

The amenity area proposed for the flat no 4 would be limited to a small court yard area measuring only 6.67m<sup>2</sup>, which potentially can be overlooked from the kitchen window of flat no 3 and due to being enclosed by walls over 2.3m high would receive very limited sun light. This arrangement would not provide a satisfactory amenity area for the future occupier this flat.

It is also considered that the location of the refuse storage room inside the building would potentially harm the amenities of the occupier of the flats no 2 and 3 by reason of potential unpleasant smell and poor access from garden waste from gardens of flat 1 and 3.

It is considered that the proposed contrived layout arrangement of these flats would not provide a satisfactory living environment for the future occupiers of these dwellings; as such the proposals would not accord with policy BNE2 of the Medway Local Plan 2003.

### *Highways*

The Barge has no on site car parking. The Barge consists of a public house with a 195m<sup>2</sup> 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 4 flatted dwellings, being one 3 bedrooms and 3no 1 bedroom flats, according to current standards would require a total of 5 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. 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 refusal.**

The proposed development is considered to be acceptable in terms of its land use principle and on highway grounds. The proposal is however unacceptable in terms of the unsympathetic alterations proposed to the front elevation the building and would cause harm the street scene and fail to preserve or enhance the character or appearance of the conservation area. It is further considered that the contrived internal layout arrangement, substandard floor sizes of flat 2 and 3 and substandard level of amenity area for flats no 2 and 4 would result in a poor standard accommodation and living environment for the future occupiers of these flats and as such the proposal fails to accord with the provisions of policies BNE2, BNE12 and BNE14 of the Medway Local Plan 2003.

Moreover, the proposed refuse provision by reason of its poor location and potential unpleasant odour would be detrimental to the amenities and well being of the occupiers of flats no 2 and 3. Accordingly, the proposal is contrary to policy BNE2 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers however is being referred to the Planning Committee due to Members' involvement in determination of the previous application for the conversion of the building to residential dwellings.

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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/>