

MC/17/2015

Date Received: 8 June, 2017

Location: The Evening Star, 128 Church Street, Cliffe, Rochester, ME3 7PY

Proposal: Conversion of existing Public House into two 3-bedroomed terraced houses with micro pub and a 2-bedroomed flat above and construction of two 3-bedroomed semi-detached houses with associated parking

Applicant: Greybull Acquisitions

Agent: Mr A Wells Andrew Wells Planning & Design 1 Gills Court Chaucer Close Medway City Estate Rochester ME2 4NR

Ward Strood Rural

Case Officer Karen Cronin

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 25 October 2017.

Recommendation - Approval subject to:

A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

i) Contribution towards bird mitigation: £1667.90

B. And 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:

Drawing Numbers PL/434/01; PL/434/02; PL/434/03; PL/434/04; received 8 June 2017

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 No development shall take place 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 boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. 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.

- 5 No dwelling shall be occupied until the area defined for parking or means of access thereto has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 6 No dwelling shall be occupied until details for the provision of cycle and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle storage facilities.

Reason: All new residential development require provision of adequate accommodation for cycle storage to accord with Policy T13 of the Medway Local Plan 2003.

- 7 The separating ceiling and floor between the micro-pub and first floor property shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 60 decibels

as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The micro pub use hereby permitted shall only operate between the hours of 16:00 to 21:00 Monday to Thursday inclusive and between the hours of 16:00 to 22:00 on Friday and Saturday and, 12:00 to 15:00 on Sunday and Public Holiday unless otherwise agreed in writing by the Local Planning Authority.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

The Evening Star is a vacant Public House located within the built confines of Cliffe village within an area allocated for minor residential development in rural areas under Policy H11 in the Local Plan Proposals Map.

It is proposed to convert the existing Public House into three separate residential units comprising two 3 bedroom terraced houses and a micro pub with a 2 bedroom flat above. It is also proposed to erect two 3 bedroom semi-detached houses next to the existing Public House. The existing building will be extended to the rear and the roof height would be increased to allow for additional space for accommodation in the roof space. The proposed semi-detached dwellings will be set back 0.5 metres from the existing building line. All dwellings will be provided with private amenity space to the rear.

The proposal shows 10 allocated parking spaces for residents with 1 visitor space and no parking provided for the micro pub.

The application is supported by a Design and Access Statement, Community Asset Statement and briefing note 'Closing Time' relating to the justification of the loss of the community facility.

Site Area/Density

Site Area: 0.08 hectares (0.20 acres)

Site Density: 62.5 dph (25.3 dpa)

Relevant Planning History

There is no relevant planning history

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.

Cliffe Woods Parish Council has also been consulted.

3 letters have been received raising the following objections:

- Houses appear too small
- Parking concerns
- Highways safety concerns
- Insufficient access
- Overdevelopment of the site

3 letters have been received in support of the application:

- Great looking project
- Area needs more houses
- Enough pubs in the area
- The micropub will maintain an element of community facility.

Cliffe Woods Parish Council has made the following comments:

The proposal is an over development of the site. Sightlines for vehicles leaving the site will be restricted. The micropub has no associated parking. The access road to the residential parking is narrow and will only accommodate one vehicle at a time. The entrance doors are directly onto the road where there is limited footway.

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

Pre-application advice was sought and given under reference PRE/17/1014. A meeting was held on 10th April 2017 and written response was given the same day. The pre-application advice given is summarised as; the site was within Cliffe village in an area allocated in the Local Plan Proposals Map for minor residential development within a rural area under Policy H11; and that the public house was considered a community facility under Policy CF1 of the Medway Local Plan 2003. There was no objection in principle to the redevelopment of the site for housing subject to detailed consideration of the loss of community facility, design, amenity and highways.

Principle

The site is within Cliffe village in an area allocated for minor residential development in a rural area under Policy H11 in the Local Plan Proposals Map. Policy H11 allows for minor residential development in a rural area within the confines of allocated villages, such as Cliffe.

The site is currently vacant but the existing and lawful use of the building is as a public house and so would constitute a community facility. Policy CF1 of the Medway Local Plan 2003 considers that development which would result in the loss of existing community facilities will only be permitted where it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop the site. There is an accepted need for new housing in Medway and currently the Council does not have a five year land supply, as such it could be considered beneficial to redevelop the site for housing.

Policy CF1 looks favourably on redevelopment of sites involving replacement facilities of a similar use. The proposal includes the provision of a micro pub which would be similar to a pub although on a smaller scale and as such it can be considered to be a replacement of the community facility.

The proposal is considered acceptable in principle and in accordance with Policy H11 of the Medway Local Plan 2003 and paragraph 55 of the NPPF subject to justification of the loss of the community facility, layout, amenity and parking considerations.

Council's five year Housing Supply Position

The 2015/16 Authority Monitoring Report (AMR), published in December 2016, sets out the five year housing land supply position in Medway as at 31 March 2016. The housing trajectory and the required delivery rate indicate that the Council does not have a five year housing land supply.

It is therefore accepted that the housing land supply position is now very likely to be lower than was set out in the 2015/2016 AMR. It is concluded that Medway Council does not currently have a five year land supply and so Paragraphs 14 and 49 of the NPPF applies.

Paragraph 14 of the NPPF requires that where the development plan is "*absent, silent or relevant policies are out-of-date*" planning permission should be granted unless "*any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*".

Paragraph 49 of the NPPF 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*".

Loss of community facility

The public house was forced to close in January 2017 due to the business becoming

unviable. Weekly takings had fallen far short of business rates and charges associated with the business. Attempts had been made to improve and enhance the business by providing live music and entertainment but the business had remained unprofitable. Financial information was provided at the pre-application stage to show that the continued use of the public house was unviable in its current form. It is noted that there is another public house and other community facilities in Cliffe village.

Policy CF1 of the Medway Local Plan 2003 states that where a proposal would result in a loss, without replacement, of a community facility, it should be demonstrated that the facility is no longer required. It is considered that the facility in its current form is no longer required. The policy (Policy CF1) goes on to say that where replacement facilities are proposed they should be of a similar scale and kind, be easily accessible by public transport and reduce the need to travel. The proposal include a micro pub which would be a similar facility and easily accessible to those in the village, although at a lower scale to the existing pub. There is no parking proposed for the micro pub however as it is intended for use by local residents, it would reduce the need to travel.

The application is supported by a Community Asset Statement, including confidential financial information, and briefing note 'Closing Time' a report on the justification of the loss of the community facility. This report shows that the existing Public House is not viable as a business in its current form and the financial information provided shows the business had been operating at a loss for a significant period of time. The Public House has also been marketed by Porters Letting Agency for use as a Public House without success.

There is no objection in principle to the loss of the public house under Policy CF1 of the Medway Local Plan 2003 and Paragraphs 28 and 70 of the NPPF.

Design

The NPPF sets out the importance of design in the consideration of planning applications and in particular, paragraph 56 states, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. At the local level, Policies S4 and BNE1 of the Medway Local Plan 2003 emphasise the importance of achieving high quality design that results in safe and attractive environments. In particular, Policy BNE1 of the Local Plan supports development that respects the character, appearance and functioning of the surrounding environment.

The Evening Star occupies a prominent position in Cliffe village surrounded by a mix of detached, semi-detached and terraced, two storey dwelling houses in a variety of styles. The proposal will comprise the extension and conversion of the existing public house to form two 3 bedroom terraced house with a micro pub on part of the ground floor and a 2 bedroom flat above. Additional two new dwelling houses would be constructed next to the existing building on a site which is approximately 0.08 hectares in size.

The converted public house will be two storeys and the new dwellings will be two and a half storeys with the roof line raised compared to the existing to accommodate additional living space in the roof. The new dwellings would have dormers to the front.

The converted public house will maintain and improve the front elevation of the building as much as possible. Two porch style entrances on the flank elevations will be demolished and chimneys removed to facilitate the raising of the roof line by 0.8 metres to provide more habitable space in the roof. The existing building will be extended on the rear over ground and first floor to create additional floor space for the micro pub and flat and the two dwelling houses. The proposed semi-detached dwellings would be set back 0.5 metres at the front and rear would be relative to the converted public house. All new dwellings would have sufficient outdoor amenity space. The rear garden of the micro pub and flat is split into two to allow outdoor space for both.

The new dwellings will face directly onto the street and be set back 0.5 metres from the building line that the public house currently has with the existing white, rendered front façade retained. The first floor window positions will be retained and the ground floor windows altered in both size and position with front doors added. The entrance to the proposed flat will be accessed via an external staircase to the side of the building. The two new dwellings will have a cottage style appearance in keeping with the village character. The materials proposed are facing brick with wooden cladding to the upper half of the buildings and traditional roof tiles. A condition requesting the detail of the material to be submitted would be recommended to ensure the quality of the scheme is satisfactory.

Church Street has a varied street scene with a mix of detached and semi detached dwellings different periods, styles and materials. There are varied building heights with bungalows and two storey houses with the occasional two and a half storey buildings, in the area. Although the new dwellings will be higher than the adjacent properties it is not considered that the appearance will be overbearing or out of keeping due to the mixed character of the area. There are no dominant architecture or design features along Church Street or within the immediate adjacent areas and as such there is relative freedom in designing a scheme in this location. The style, design and materials proposed on the new dwellings would complement the mix that currently exists.

The proposed development is of a design that is sympathetic to the character and appearance of the surrounding area and is appropriate in terms of scale, mass, proportion, layout and siting. Overall, the design is acceptable and would result in a positive improvement to the site. As such, the proposal is in accordance with Policy BNE1 of the Medway Local Plan 2003 and Paragraphs 17, 28 and 56 of the NPPF.

Amenity

There are two main amenity considerations; the impact on the amenity of neighbours and the standard of amenity which would be experienced by occupants of the site itself.

Impact on neighbours

There are neighbouring properties that could be adversely affected by the proposal. The property at 130 Church Street is considered to be largely unaffected by the proposal because the proposed conversion on the public house would have no greater impact than the existing building. The proposed extension will not project significantly

further to the rear than the existing building and as such there would be no adverse impact in terms of privacy, daylight and sunlight. The property at 126 Church Street could be affected by the new dwellings that will be nearer than the existing building. The layout and position of the properties has been carefully considered to prevent loss of privacy and overlooking to neighbouring properties. Although the new dwellings would be higher than 126 Church Street it is considered that the separation between the properties would ensure no overbearing impact or loss of daylight, sunlight or privacy.

The conversion of the public house to residential would not be considered to have a greater impact than a functioning public house in terms of activity levels and traffic generation. There should be no significant impact in terms of noise, vibration, light, heat, smell and airborne emissions from the proposed micro pub. A condition will be imposed upon any permission that there should be no hot food or amplified music played at the micro pub to ensure that the amenity of the neighbouring occupiers is protected and the use does not conflict with the residential use above and adjoining. The proposed hours of use for the micro pub use is proposed as 16:00 to 21:00 Wednesday and Thursday, 16:00 to 22:00 on Fridays and Saturdays and 12:00 to 15:00 on Sundays. These hours of use are considered acceptable by Environmental Protection in a residential area in accordance with Policy BNE2 of the Medway Local Plan. Whilst it is not intended that the micro pub would open on Monday and Tuesday, a condition on opening hours which includes both days has been recommended to allow flexibility of use.

Overall the proposal would not have an unacceptable impact on neighbouring amenity or that of the future occupants in terms of daylight, sunlight, outlook and privacy and noise or disturbance as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and Paragraph 17 of the NPPF.

Impact for future residents

The development has been assessed with regard to the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Medway Local Plan 2003.

The new 3 bedroom houses will have a total floor area of 91.14 sqm. The 3 bedroom houses within the converted building will have total floor area of 80.42 sqm. The 2 bedroom flat above the proposed micro pub will have a total floor area of 70.60 sqm. The micro pub itself will have a total floor area of 53.67 sqm. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. All dwelling have sufficient private amenity space and provide adequate refuse storage.

Overall the proposal is considered acceptable in terms of the impact on the amenity of the future occupiers of the proposed dwellings and as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 17 of the NPPF.

Highways

Access to the rear of the site will be via the existing access with improved visibility splays and allocated parking to the rear. Sufficient turning space is available on site for vehicles to enter and exit in a forward facing direction. Total of 11 parking spaces will

be provided for the dwellings in accordance with Medway Council's Residential Parking Standards, equating to two spaces per dwelling which is required for 3 bedroom houses, with 0.25 spaces allocated for visitors per dwelling. The development would generate around 5 vehicle trips per dwelling per day, and there are no existing capacity constraints or highway safety issues in the vicinity of the site. It is intended to provide cycle storage facilities but these have not been shown on the approved plans. A condition is recommended to ensure adequate cycle storage in accordance with Policy.

No objection is raised to the proposal under the provisions set out by Local Plan Policy T1, T2 and T13 of the Medway Local Plan 2003 and paragraph 32 and 39 of the NPPF.

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's 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 are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations

Conclusions and Reasons for Approval

The site is in an area allocated for minor residential development in rural areas under Policy H11 of the Medway Local Plan 2003. There is no objection to the loss of a community facility that is no longer required. The design of the proposed development

is appropriate in terms of size, scale, siting and materials and in keeping with the character and appearance of the area and street scene. The proposed development is not considered to have an unacceptable impact on future occupier or neighbouring amenity in terms of daylight, sunlight, outlook and privacy and would not cause any detriment to the existing highway network. The proposal is in accordance with Policies BNE1, BNE2, H11, CF1, T1, T2 and T13 of the Medway Local Plan 2003 and Paragraphs 17, 28, 32, 39, 56, 70, 109 and 118 of the NPPF.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the number of representations received contrary to officer's recommendation and the Parish Council objection to the application.

This application was deferred by Planning Committee on 27 September 2017 for officers to negotiate with the applicant on reducing the scheme on grounds that as presented would constitute an overdevelopment of the site. The agent has been contacted and has advised that his client, the applicant, wanted the scheme to be assessed in its current form with no amendments with a view to appeal if the decision is refusal.

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/>