

MC/17/2727

Date Received: 3 August, 2017

Location: The Beacon Court Tavern, 1 Copenhagen Road, Gillingham
ME7 4RY

Proposal: Construction of 3 one-bedroom flats and 6 two-bedroom flats,
amenity areas, parking for 9 vehicles and a new vehicular access
to Trafalgar Street - Demolition of existing

Applicant: Mr Turner

Agent: Mr Goh Clay Architecture Ltd Great Lines Studios Marlborough
Road Gillingham ME7 5HB

Ward Gillingham South

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 of £2562.22 towards bird disturbance mitigation

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 5168/PL/120, 5168/PL/122, 5168/PL/123, 5168/PL/124, 5168/PL/125, 5168/PL/135 REV A, 5168/PL/140, 5168/PL/141, 5168/PL/142, 5168/PL/143 and 5168/PL/144 received 8 August 2017.

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

- 3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. 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 a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 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 of cycle and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage facilities shall be implemented in accordance with the approved details prior to any dwelling herein approved being occupied and hereafter 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 and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 7 The separating ceiling, floor and walls between the floors shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 50 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.

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

Proposal

It is proposed to convert and alter the existing public house into 9 flats comprising 3 one bedroom flats and 6 two bedroom flats, amenity areas, parking for 9 vehicles and a new vehicular access to Trafalgar Street. The main bulk of the building would be demolished with the main curved facade being retained and a predominantly new three storey block being built around it to allow for a modern building suitable for providing high quality living accommodation. The roof height would be increased to meet the existing ridge height of the tallest part of the building to allow for additional space for accommodation in the roof space.

The proposal shows private amenity space for the ground floor flats to the front of the building enclosed behind a wall and balconies for the first and second floor flats. There are areas to the rear showing cycle storage and refuse storage.

The proposal shows 9 allocated parking spaces for residents.

Site Area/Density

Site Area: 0.07 hectares (0.17 acres)

Site Density: 128 dph (52 dpa)

Relevant Planning History

There is no relevant planning history.

Representations

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

7 letters of representation have been received raising the following objections:

- Insufficient parking provision - only 1 space per flat
- Noise and disturbance during construction

- Too high density in an already overcrowded area
- Increased pressure on local infrastructure and facilities

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/16/4918. A meeting was held on 5th January 2017 and written response was given on 16th January 2017. The pre-application advice given is summarised as; the public house was considered a community facility under Policy CF1 of the Local Plan and the site is in the urban area of Gillingham where Policy H4 of the Local Plan allows for change of use or redevelopment of existing buildings no longer required for non residential use. 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 Beacon Court Tavern is a vacant public house located within the urban area of Gillingham. Policy H4 of the Local Plan states that within the urban area, residential development consisting of, the use of vacant or derelict land and or the redevelopment of existing buildings no longer required for non-residential use will be permitted. In addition, Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy H5 of the Local Plan supports high density development in or close to town centres. The surrounding area comprises high density housing in the form of terraced housing to the north and south and flats over shops to the west. In contrast, the application site contains some unused or under used land and the proposal would result in the more efficient use of this land.

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 Local Plan 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. Paragraph 51 of the NPPF contains a presumption in favour of bringing non-residential buildings into residential use. The public house was run by Shepard Neame until 2005 then transferred to a long term tenancy until it was forced to close in 2015 due to declining sales. The fall in the volume of sales led to the business becoming unviable. The submitted Design and Access Statement and Financial Viability Statement show this in more detail and provide justification for the loss of the community facility.

It is noted that there are other public houses and other community facilities in Gillingham town centre.

Accordingly, no objection is raised to the principle of the proposed development under Policies CF1, H4 and H5 of the Local Plan and Paragraphs 49 and 51 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, H4 and BNE1 of the Local Plan all 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 proposed development is on a prominent plot on the corner of Canterbury Street, Copenhagen Road and Trafalgar Street, located close to the town centre. The surrounded area is of a mixed character with predominantly two storey terraced dwellings and commercial uses with flats above. The buildings are from a similar era but there is a variety of styles, fenestration and materials in the area. There are no dominant architecture or design features in the surrounding area 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 building is not within the Conservation Area and is not listed but it is an attractive building that makes a positive contribution to this area. The external appearance of the main curved facade of the building would remain unchanged, which is positive. The new additions to the building would create a more modern, three storey block of flats.

The main bulk of the building would be demolished with the main curved facade being retained and a predominantly new three storey block being built around it to allow for a modern building suitable for providing high quality living accommodation to meet current space standards. The 3 storey extension would meet the existing ridge height of the tallest part of the building. This would mean that the building would be approx. 0.8m higher than the neighbouring property on Copenhagen Road and approx. 2m higher than the neighbouring property on Trafalgar Street. The proposed alterations to the building are approx. 1m from 5 Copenhagen Road, which is no closer than the existing building. There is approx. 7.7m between the proposed building and 1 Trafalgar Street. There are varied building heights in the area. The increased building height would not have a significantly greater impact on neighbouring properties, particularly those on Copenhagen Road. The distance between the building and Trafalgar Street mean that the overall impact should not be overbearing. Although the new dwellings would be higher than the adjacent properties it is not considered that the appearance would be out of keeping due to the mixed character of the area. The building would stick to the existing building line. The rear of the building currently has a cluttered and untidy appearance. The proposed changes to the rear would lead to a reduction in the bulk of the building to the rear by up to 7m in some

places to accommodate parking and turning areas, as well as cycle and refuse storage and would be much more attractive than the existing. There would be private amenity space for the ground floor flats to the front of the building and balconies for the first and second floor flats. The existing brick wall along Trafalgar Street would be retained with low gabion walls proposed along the frontage and Copenhagen Road to enclose the amenity space.

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 Policies S4, BNE1 and H4 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 future occupants of the site itself.

Impact on neighbours

The property at 5 Copenhagen Road 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 would not be any closer than the existing building and only slightly higher as such there would be no adverse impact in terms of privacy, daylight and sunlight. The property at 1 Trafalgar Street could be affected by the new building because it would be much higher than the existing, however it is also set back further. The layout and position of the properties has been carefully considered to prevent loss of privacy and overlooking to neighbouring properties. Although the new building would be higher than 1 Trafalgar 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 except in the construction stage. A condition for a construction environmental management plan is suggested.

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 Local Plan 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.

The one bedroom flats would have a total floor area of between 50.5 and 58.6 sqm.

The 2 bedroom flats would have a total floor area of between 66.2 and 81.7 sqm. The room sizes would all be in accordance with the Government's Technical Housing Standards 2015. All dwellings would 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 Local Plan and paragraph 17 of the NPPF.

Highways

The development would use the existing vehicular access onto Trafalgar Street. The development has 9 allocated parking spaces, which does not meet the Medway Residential Parking Standards, which require 1 car parking space per 1 bedroom dwelling and 1.5 car parking spaces per 2 bedroom dwelling plus 0.25 visitor spaces. The close proximity to the town centre, bus station and railway station permits a reduction to the Council's minimum parking standards. It is accepted that this development is in a sustainable location close to the town centre, bus station and train station. The site is also close to numerous public car parks. Additionally, the size of the proposed units and the tenure is such that car ownership is likely to be below the ward average of 0.67 per dwelling. Therefore no objection is raised to the level of parking provision

It is considered the proposal would not result in any detrimental increase in risk to highways or pedestrian safety and is therefore acceptable in terms of Policies T1, T2 and T13 of the Local Plan and paragraphs 29 and 39 of the NPPF. The proposal would also meet the required cycle parking standards in accordance with Policy T4 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'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 the urban area of Gillingham where the use of vacant or derelict land and or the redevelopment of existing buildings no longer required for non-residential use will be permitted. 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 occupiers or neighbouring amenity in terms of daylight, sunlight, outlook and privacy and would not cause any detriment to the existing highway network. The application would, therefore comply with Policies S4, S6, BNE1, BNE2, BNE35, H4, H5, T1, T2, T4, T13 and CF1 of the Local Plan and Paragraphs 14, 17, 28, 29, 39, 49, 51, 56, 109 and 118 of the NPPF and is recommended for approval.

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 to the application.

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/>