

MC/17/4027

Date Received: 21 November, 2017

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

Proposal: Conversion of the existing public house into three 3 bedroom houses and construction of two 3 bedroom houses with associated parking (resubmission of MC/17/2015)

Applicant: Greybull Acquisitions

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

Ward Strood Rural

Case Officer Mary Smith

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 17 January 2018.

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 disturbance mitigation of £894.32

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:

Drawings PL/434/02, PL/434/10 Rev A & PL/434/11 Rev A received 7 December 2017 and PL/434/04 Rev C received 18 December 2017.

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

- 3 No development shall commence 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 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: The details are required prior to commencement in order to minimise the impact of the construction period on the amenities of local residents and on highway safety and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 4 No development shall take place above ground floor 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 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.

- 5 Prior to the first occupation of any of the units hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be fully implemented. Thereafter the boundary treatment shall be retained in accordance with the approved details.

Reason: To ensure that the appearance and amenity impact of the development is satisfactory and without prejudice to conditions of amenity in the locality in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 No dwelling shall be occupied until the area shown on the approved layout for parking and turning and the means of access thereto has been provided, surfaced (including the marking out of the parking spaces) and drained. 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 and turning area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and manoeuvring and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 7 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 to and obtained the written approval of 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes 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.

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

Proposal

This is a revised application for the conversion and alteration of a vacant public house, the Evening Star, into three, three-bedroom houses together with the erection of two three-bedroom houses to the southern side. The proposals include extensions and alterations to the rear and roof of the existing building in order to accommodate the proposed development. The main changes since the previous application, MC/17/2015, are:

- The current scheme no longer includes the retention of a 'micro pub', the whole development now being for residential purposes only;
- The external staircase has been removed from the proposed north elevation, the area of the former micro pub together with the flat above now proposed to be a single three bedroom dwelling with its main entrance on the northern side of the building;
- The extension to the rear of the northernmost unit (previously including the micro pub) has been reduced in size/depth such that it would project back the same distance as the two adjoining units proposed (although it would still not include accommodation in the roofspace); and
- The layout of the proposed rear parking area has changed, still providing 11 parking spaces (2 per dwelling with 1 visitor space) but with different turning provision.

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

public house.

Site Area/Density

Site Area: 0.08 hectares (0.20 acres)

Site Density: 62.5 dph (25.3 dpa)

Relevant Planning History

MC/17/2015	Conversion of existing public house and construction of two additional dwellings to create four 3 bedroomed terraced houses and a micropub with 2 bedroomed flat above with associated parking Decision Refusal Decided 10 November, 2017 Appeal lodged
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Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Cliffe and Cliffe Woods Parish Council and the Dickens' Country Protection Society have also been consulted.

The **Dickens' Country Protection Society** objects to the application on the following grounds:

- The front door is on the roadside and there is no pavement;
- The car park is round the back which will be narrowed down to one car creating problems as the access is not sufficient;
- This would result in over-development of the site.

Three letters of objection have been received in summary raising the following concerns:

- Previous concerns have not been addressed;
- Overdevelopment of the site;
- Inadequate turning and vehicles could not pass in the access, leading to cars reversing blindly on the main road;
- Inadequate parking spaces, parking is already an issue in the area including due to nearby school;
- The space is unsuitable for parking and turning without damaging neighbours boundary wall;
- Insufficient access for entry/exit at the front of the property, danger for pedestrians and road users;
- Concern over pedestrian safety as car park access runs parallel to busy footpath;
- Not accessible for disabled occupants and visitors;
- No cycle storage facility;
- Loss of privacy.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Background

A previous application for the conversion of the public house into two houses and a micropub with 2 bedroomed flat above together with the construction of two further dwellings, reference MC/17/2015, was recommended for approval but refused by the Planning Committee on the following grounds:

- 1 The proposed development comprising conversion of an existing public house and construction of two additional dwellings to create four 3 bedroomed terraced houses and a micropub with a 2 bedroomed flat above and associated parking constitutes an over development of the site.
- 2 The proposed parking facilities are insufficient for the proposed development and by virtue of the layout of the car parking, will not provide a usable parking area to enable vehicles to enter and exit the site in forward gear.

The changes incorporated into the current application have attempted to address these concerns.

Principle

The site is located within the confines of Cliffe village and the proposed development is considered to be minor in scale consistent with Policy H11 of the Local Plan (residential development in rural settlements). Policy CF1 of the Local Plan seeks to prevent the loss of community facilities unless it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop sites, with replacement facilities usually being sought. Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development with paragraphs 28 and 70 referring to the need to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

This revised scheme does not include the retention of any element of the former public house use. The previous scheme included a 'micro pub'. The application submissions confirm that the Evening Star closed in January 2017 and information regarding previous marketing and financial details indicate a lack of interest in its sale or letting and that the business was unviable. Weekly takings had fallen far short of business rates and charges associated with the public house and attempts had been made to improve and enhance the business by providing live music and entertainment but it had remained unprofitable. There are a number of other community facilities within Cliffe village including another public house, a community hall, primary school,

doctor's surgery, convenience store and hot food takeaway. On balance in these circumstances no objection is raised to the loss of the public house (and its non-replacement), including with regard to the above policy advice.

Design

One of the reasons for refusal of the previous application, MC/17/2015, was that the proposal constituted an overdevelopment of the site. The current scheme has deleted the previously proposed micro pub and two bedroom flat above and reduced the extensions associated with these elements of the development, replacing them with a single two-storey three bedroom house. It is considered that this would significantly reduce the level of activity at the site, as well as reducing the built form. In this way it is not considered that the proposals would cause an overdevelopment of the site.

With regard to the more detailed design, the Evening Star occupies a prominent position within Cliffe where there is a mix of detached, semi-detached and terraced dwellings with a variety of ages, styles and heights. The proposal would comprise the extension and conversion of the existing public house to form three, three bedroom terraced houses with two new houses to be constructed on their southern side. The converted public house would include extensions to the rear to provide three houses, two with rooms in the roof, and would retain the basic form of the front elevation of the pub where possible although two front doors would be added, the main entrance for the northernmost dwelling being on the northern side. The adjacent new build dwellings would be two storey with additional rooms in the roof, including small flat-roof dormers to the front. Their ground floors would be set in from the first floors above by approximately 0.85m.

Although the new dwellings would be higher than the adjacent properties it is not considered that their appearance would be overbearing or out of keeping in this location due to the mixed character of the area. There are no dominant architectural 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. In this context it is considered that the style, design and materials proposed would complement the mix that currently exists. The design is therefore considered acceptable and in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraph 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.

With regard to the impact on neighbours the main part of the existing building is set much further forward than 130 Church Street to the north. The extensions and alterations to the rear would not project so far back as the ground floor of the existing public house building although the first floor and roof would be larger to the rear, however due to the differing position of the buildings it is not considered that this would result in a harmful impact on the amenities of the occupants of no. 130. To the southern side the proposed new houses would sit between the existing public house

building and the site boundary and so would project closer to 126 Church Street which lies across a hardsurfaced public footpath and small grassed strip. The new dwellings would be positioned further forward than no. 126 and would have no side windows facing towards it. Although they would be higher than no. 126 it is considered that the separation distance and design would prevent an unacceptable overbearing impact or loss of light or privacy to this neighbouring house. The proposed dwellings would be over 19m from the rear site boundary with the back of the rear gardens of properties in Chesterton Road which is adequate distance to prevent an unacceptable loss of amenity to these neighbours. To the front the existing public house building is located on the site boundary and the proposed new build dwellings would also be in a similar position, although the ground floors would be inset. These proposed houses would face an existing two storey terrace directly opposite, approximately 9m away. Although this is a fairly close-knit relationship the public house building is obviously already in existence and the intervening area is a public highway. In these circumstances this relationship is considered acceptable. In order to protect the amenities of residents in the future a condition restricting the implementation of permitted development rights is recommended

Whilst the addition of dwellings to the site would result in activity and traffic movements it is not considered that this would be harmful to the amenities of other local residents, particularly as the public house would be removed from the site. Details of boundary treatment would be secured by planning condition.

With regard to the amenities of future occupants of the development itself the proposals have been assessed against the technical housing standards – nationally described space standard (the national standard) and, for matters not covered by this, with regard to the guidance in the Medway Housing Standards (MHS) (interim) 2011. The internal gross floor area of the proposed dwellings and their bedroom sizes would comply with the national standards and the rear gardens would comply with the minimum requirement of 7m in depth for the majority of their widths. Cycle and refuse storage provision could be made within the individual rear gardens.

In summary the amenity impact of the proposed development is considered acceptable including with regard to Policy BNE2 of the Local Plan and point 4 of paragraph 17 of the NPPF. However in order to prevent unacceptable nuisance to neighbours during the construction period a condition requiring the approval and implementation of a construction environmental management plan is recommended.

Highways

One of the reasons for refusal of the previous application, MC/17/2015, related to insufficient parking facilities and the parking layout/lack of a useable area to enable vehicles to enter and exit the site in forward gear. The previously proposed micro pub has now been removed from the scheme which will significantly reduce the parking and access demands of the site including the potential need for regular commercial deliveries. The internal layout of the parking area has also been changed in order to improve the turning areas such that cars would be able to enter and leave the site in forward gear. Although the access from Church Street to the parking area remains single width, due to its good visibility and limited length and also the width of the turning area at the end (within the site) it is considered unlikely that this arrangement

would lead to cars reversing back into Church Street. It is recognised that the highway is limited in width by the site and includes traffic calming measures and a fairly narrow pavement and also that four of the proposed dwellings include an inward opening front door facing the street (in addition to rear accesses via their rear gardens from the proposed parking area). However it is not considered that this arrangement would be likely to result in significant highway safety issues.

The Medway Council Interim Residential Parking Standards 2010 require a minimum of 2 parking spaces for dwellings with 3 bedrooms or more plus 0.25 spaces for visitors (the Standards confirm that visitor space requirements apply to a minimum threshold of 4 units and that requirement for provision is rounded down). In the current case a minimum of 11 spaces are required and 11 are proposed. The access onto Church Street is considered adequate to serve the development. Cars accessing and exiting the site are likely to be travelling at very low speed and it is not considered that any significant highway safety issues would arise from this use, including to users of the adjacent footpath to the south of the site.

The adopted Parking Standards confirm that cycle parking spaces are not specifically required if a garage or secure area is provided within the curtilage of the dwelling. In the current case provision can be made within the private rear garden areas of the proposed dwellings.

In summary there are no parking or highway objections to the proposed development including with regard to Policies T1, T2 and T13 of the Local Plan and paragraph 32 of the NPPF which says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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 for each of the additional dwellings proposed and are in the process of submitting a unilateral undertaking to this effect. 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 relevant local finance considerations.

Conclusions and Reasons for Approval

In summary it is considered that the changes to the scheme including the deletion of the micro pub and the rearrangement of the parking area have overcome the reasons for refusal of the previous application. On balance no objection is raised to the loss of the public house and the addition of dwellings is supported in principle. The design, amenity, parking and highway implications of the development are considered acceptable and a unilateral undertaking is underway in order to provide bird disturbance mitigation. Approval is therefore recommended including with regard Policies S6, BNE1, BNE2, BNE35, H11, T1, T2, T13 and CF1 of the Medway Local Plan 2003 and Paragraphs 17, 28, 32, 49, 56, 70, 109 and 118 of the NPPF.

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/>