

MC/19/1336

Date Received: 21 May 2019

Location: Shipwrights Arms 44-45 Hills Terrace Chatham Medway

Proposal: Conversion of existing pub into five self-contained 2 bedroom flats. Insertion of new dormer window into existing roof space. Amenity area with railings at first front floor level and erection of 1.8m close boarded fence - demolition of existing two chimney stacks, steps, external staircase and rear projection.

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Ward: Chatham Central Ward

Case Officer: Doug Coleman

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 18th December 2019.

Recommendation - Approval with 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 number 100/002 Rev A received on 6 November 2019.

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

- 3 All materials used externally shall match those of the existing building.

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 The bathroom and en-suite windows on the first floor (Flat 4) and second floor (Flat 5) shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 Policy BNE2 of the Medway Local Plan 2003.

- 6 The finished floor levels for the ground floor (Flats 1 and 2) shall be a minimum of 300mm above the prevailing ground level.

Reason: To protect the proposed flats from surface water flooding and having regard to Paragraphs 163 and 164 of the NPPF.

- 7 The separating ceiling and floor between the ground, first and second floors, including the flat roof between the ground floor bedroom and first floor amenity area, shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of the amenity of the occupiers of the proposed development and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: In granting this permission, the Council is aware of the sustainable location of the development and in other to ensure that the development does not result in additional strain on existing street parking subject to permits and to comply with Policies T1 and T13 of the Medway Local Plan 2003.

- 9 No flat on the first and second floors shall be occupied until a plan showing details of the proposed screening to the first floor amenity area has been submitted to and approved in writing by the Local Planning Authority. The screening shall be completed in accordance with the approved details before any flat on the first or second floor is occupied and shall thereafter be retained.

Reason: To protect the amenity of the occupiers of neighbouring properties and 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.

Approval with Conditions

Proposal

This application seeks to convert a former public house into five self-contained flats.

The public house comprised a public area, bar, pool room, games room with ancillary storage and a small garden on the ground floor; six bedrooms and a bathroom are shown on the first floor. It is submitted that the building has been empty for three years and it is now boarded up.

The proposed plan (as originally submitted) indicated 2 x two-bedroom flats on the ground floor with layout comprising of a living room, two bedrooms, kitchen and bathroom. The flat to the right (Flat 2) would have access to an amenity area. 2 x two-bedroom flats would be provided on the first floor. To the rear, over the existing flat roof to the (pool) room extension, a roof terrace would be created to provide amenity space for the first floor flats.

Dormer windows were proposed to the front, side and rear roof slope to aid the conversion of the loft to create 2 bedsits. The application has now been amended to show a single flat in the roofspace comprising a lounge, kitchen, bathroom and two bedrooms (one en-suite)

The flats would be accessed via existing front entrance to the building with staircases leading to the upper floors. The proposal includes the removal of the external staircase and some extensions to the rear to allow the formation of the amenity area for the ground floor flat including refuse storage space with access from the rear. Railings to the flat roof area of the extension to form amenity area for the first floor flats, external alterations to the building to accommodate the proposed use and new fencing to the site are also proposed.

A Design and Access Statement, which has been revised and updated, accompany the application.

Relevant Planning History

MC/2009/0721	Conversion of existing pub into 4 x two bedroom self-contained flats; amenity area with railings at first floor level and erection of 1.8m high close boarded fence (Demolition of existing two chimney stacks, steps and external staircase and rear projection Approved 20 July 2009
MC/2009/0307	Conversion of existing pub into 3 x two bedroom and 2 x one bedroom self-contained flats; amenity area with railings at first floor level and erection of 1.8m high close boarded fence (Demolition of existing two chimney stacks, steps and external staircase and rear projection Withdrawn 30 April 2009
MC/2008/1332	Construction of a first floor rear extension to facilitate conversion of existing pub into 4 x two bedroom and 2 x one bedroom self-contained flats (Demolition of existing two chimney stacks and external staircase Refused 30 September 2008

Representations

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

Five letters (two from the same household) have been received raising the following objections:

- Proposed dormers would overlook properties in Rochester Street.
- Proposal would increase pressure on on-street parking.
- The statement by the applicant is wrong as the site has not been vacant since 2008. (An updated Statement has now been received).

Other matters raised are non-material planning considerations.

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 2019 and are considered to conform.

Planning Appraisal

Background

There have been three previous applications, similar to that now proposed. The first application (MC/2008/1332) proposed six flats (three on the ground floor and three on the first floor) and included a first floor extension over the existing pool room to create two bedrooms to serve one of the first floor flats. That application was refused on 30 September 2008 on the grounds that:

“The development by virtue of the number of units that would be created and the limited size of the amenity space would result in an overdevelopment of the site causing harm to the residential amenity of future occupiers of the building. The development would, therefore, be contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE2 of the Medway Local Plan 2003”.

The second application (MC/2009/0307) amended the proposal to increase the amenity space by including the area over the pool room, as is proposed under the current application, and this was considered to provide sufficient outdoor areas for the future residents. However, concerns were raised, by case officer, with regard to windows facing onto these amenity areas and the application was withdrawn by the applicant.

The third application (MC/2009/0721) sought to address the concerns and was considered acceptable, and planning permission was granted on 20 July 2009.

The ground and first floor layouts for the current proposal are identical to those previously approved. However, the current proposal differs in so far as an additional unit has been introduced in the roofspace, aided by the addition of dormer windows.

At the time, the previous applications were considered the public house was closed. It subsequently reopened, but according to the applicant has now been closed for over three years.

More recently, the application was referred to the Planning Committee meeting held on 16 October 2019, for conversion to 6 flats. Members of the committee raised concerns to the standard of accommodation in particular to the roofspace two bedsits, and the application was deferred for discussion with the applicant. Following discussions with the applicant, the roof space units have now been combined to form a two bedroom flat. This report considers the proposal on the basis of the amended scheme.

Principle

There are two matters of principle to be considered, namely the loss of the public house and the principle of conversion to residential. No objections have been raised to this application in terms of the loss of the public house.

The loss of the public house falls to be considered under Policy CF1 of the Local Plan which contains a presumption against the loss of community facilities unless it can be demonstrated that exceptional circumstances exist such that it would be beneficial to re-develop the site, and to Paragraph 92c of the NPPF which seeks to guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

No objection was raised in respect of the loss of the public house when the previous applications were considered. Although the public house subsequently reopened, it has been stated by the applicant that it was not viable and this, together with anti-social behaviour and structural defects led to its subsequent closure.

In respect of the references made to the closure of several other public houses in the area. Nearby the Clarendon, Pagitt Street has been converted into flats, The Ordnance Arms, Ordnance Terrace is now in retail use, and the Fox, Ordnance Street has been demolished under construction for residential development. However, there are still public houses within a reasonable distance such as the Alexandra Hotel at the junction of Railway Street and Maidstone Road (0.45 km to the north) and the General at Sea (0.6km to the south-west).

Having regard to the above considerations, no objection is raised to the loss of the public house under Policy CF1 of the Local Plan and Paragraph 92c of the NPPF.

The principle of residential development on the site falls to be assessed under Policy H4 and H6 of the Local Plan, which supports residential development in urban areas and changes of use or redevelopment to flats. Paragraph 59 of the NPPF supports the Government's objective of significantly boosting the supply of homes. The principle of the proposed development would, therefore would accord with Policies H4 and H6 of the Local Plan and the objectives of paragraph 59 of the NPPF.

Design appearance and the character of the area

Policy BNE1 of the Local Plans states that the design of new development should be appropriate in relation to the character, appearance and functioning of the built environment and be satisfactory in terms of scale, mass, proportion, details materials layout and siting.

Hills Terrace, Dale End and the northern end of Dale Street consisted of late nineteenth century terraced houses which were demolished in the 1970s and the area was re-developed in the early 1980s. The Shipwrights Arms was built after 1932 and replaced

terrace properties on the corner of Hills Terrace and Dale End.

The proposal would retain the existing building and would therefore have minimal impact on the character and appearance of the area. The proposed alterations to the building, namely windows, doors and new dormers would respect its appearance. Subject to the materials used for the alterations matching those on the existing building, no objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

Occupier amenity

The DCLG's Housing Optional Technical Standard specifies a minimum gross internal floor area (GIA) of 39 sq. m. for a one storey/one bedroom/one person dwelling, 61 sq. m. for a one storey/two bedroom three person dwelling, and 70 sq. m. for a one storey/two bedroom/three person dwelling. Minimum bedroom sizes of 11.5 sq. m. (double or twin) and 7.5 sq. m. (single) are specified.

The submitted drawings show that the four flats on the ground and first floors would have a GIA of between 78 sq. m. and 119 sq. m. with bedroom sizes between 10.8 sq. m. and 23 sq. m. (single). The flat unit in the roof space would have a GIA of 94 sq. m.

The layout of the proposed flats places sleeping areas adjacent to the living areas of adjoining flats, including a first floor amenity area over a bedroom of the ground floor flat, which may result in intrusive noise transmission and potentially cause a nuisance to the occupiers of the flats. However, this arrangement has been approved previously and the Council's Environmental Protection have raised no concerns subject to condition on acoustic protection to minimise the noise transfers between these uses.

Two amenity areas are shown – on the ground floor serving Flat 2 measuring 5.5m by 4.5m, and at first floor level serving Flats 3 and 4. A refuse storage area is shown, adjacent to but separate from the ground floor amenity area accessed from the side, rear of the building.

Having regard to the above, no objection raised in terms of the amenity of the occupiers of the proposed development under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Neighbour Amenity

As the proposal is relates to the change of use of an existing building, no issues are raised in terms of daylight, sunlight or outlook. The proposal to install dormer windows in the roofspace has the potential to give rise to additional overlooking.

To the north is a two storey block of flats (2-12 (even) St. Michaels Close) set at an angle

so that the corner of the building faces towards and is approx. 13m from the application site. There are existing windows in the public house facing towards this building. Two additional windows, one serving a bathroom which would be obscure glazed, and one serving a landing. The windows would be approx. 19m from the existing flats and due to levels and the height of the application property, would look over the neighbouring building rather than directly into habitable windows.

There is a similar block of flats to the east (26-36 (even) St Michaels Close). The only north-east facing window proposed would be a bathroom window serving Flat 5 and would be about 20m away from the flank wall of that block.

Three dormer windows proposed on the southern side would serve the second floor flat. There are existing bedroom windows on the elevation at first floor level. Two dormer windows are proposed on the west elevation. A concern has been raised that these windows would overlook properties in Rochester Street. Rochester Street is approx. 5m higher than Hills Terrace, in terms of land levels, and the two roads are separated by a retaining wall. Rochester Street curves at this point and there is a small grassed area with a tree between the wall and the highway, with the tree effectively blocking any views from the application site towards the houses in Rochester Street. The gap between the application site and the houses in Rochester Street is approx. 30m.

There is potential for overlooking from the first floor amenity area towards the flats to the north and east. A condition is recommended for details of screening to be provided to ensure that any overlooking or loss to privacy would be properly mitigated before the units are occupied.

Subject to conditions, no objection is therefore raised in terms of future and neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The existing lawful use of the building as a public house, with residential above for staff currently has no onsite parking and would have generated a certain level of traffic due to residents, staff and customers. The only parking available would have been on street, although it is acknowledged that many customers of the public house would have walked from nearby residential areas.

The application proposes no off road parking. The site, however, is close to Chatham Railway Station, Chatham Town centre and bus routes. On street parking in the area is controlled by permits. No on-site is proposed as part of the development.

A condition is therefore recommended to the effect that occupiers of the proposed development would not be entitled to obtain a residents parking permit. Subject to this condition, no objection is raised in terms of parking under Policy T13 of the Medway Local Plan 2003 and Paragraph 105 of the NPPF.

Climate change and ecology

The site is in a sustainable location, close to the town centre and public transport and utilises an existing building.

Other matters

The Environment Agency's updated surface water Flood Risk mapping indicates that the site is at medium risk of surface water flooding. A condition is, therefore recommended that the finished floor levels are raised to a height of 300mm above ground level to ensure flood risk is kept to a minimum.

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 £245.56 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 SAMMs agreement and payment. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable in principle under Policies CF1 H4 and H6 of the Medway Local Plan and Paragraphs 68 and 92c of the NPPF and the application would comply with Policies BNE1, BNE2, T1 and T13 in terms of design and appearance, amenity, access and parking. The applicant has agreed to make the appropriate contribution in respect of bird mitigation and the application would comply with Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF. The application is, therefore recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's 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://publicaccess1.medway.gov.uk/online-applications/>