

MC/19/3161

Date Received: 3 December 2019

Location: The Westcourt Arms 172 Canterbury Street Gillingham Medway

Proposal: Conversion of rear part of ground floor and first floor 7 bed flat and loft into 7 self-contained 1 x bed flats - demolition of part of existing single storey side/rear element and removal of 2 chimneys

Applicant Siltons Limited,
Mr D Konuralp

Agent Insight Architects
Ms Tina McFadzean The Joiners Shop
The Historic Dockyard
Chatham
ME4 4TZ

Ward: Gillingham South Ward

Case Officer: Madeline Mead

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 24th June 2020.

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 numbers 19-114 002 Rev P3 and 004 Rev P3 received 19 March 2020 and drawing number 001 Rev P5 received 1 June 2020.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise and dust arising from the construction phase of the development and site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order 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.

- 4 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces shall be managed and how residents and their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 5 No part of the development shall be occupied until a scheme for protecting the proposed development from noise that implements the acoustic glazing and internal building fabric assessment measures described in the noise assessment reference Issue 1 dated 20th April 2020, has been submitted to and approved in writing by the Local Planning Authority. As the internal guideline noise levels will be exceeded with windows open, the scheme shall include details of appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the conditions of amenity for occupiers are in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No part of the development shall be occupied until details of the provision of 2 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 7 No part of the development shall be occupied until the areas shown on the submitted layout as vehicle parking, have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these parking spaces.

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

- 8 No part of the development shall be occupied until soft landscaping as identified within approved drawing number 19-114 001 Rev P5 has been carried out and shall thereafter be retained. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 No part of the development shall be occupied until the cycle storage provision as identified on approved drawing number 19-114 001 Rev P5 has been installed on site and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 10 No part of the development shall be occupied until the bin storage provision as identified on approved drawing number 19-114 001 Rev P5 has been installed on site and shall thereafter be retained.

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.

- 11 The public house signage as shown on approved drawing number 19-114 004 Rev P3 shall be retained on the building at all times.

Reason: To protect the features of the non-designated heritage asset.

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

Proposal

The application proposes the demolition of part of the single storey side/rear extension, the insertion of roof lights and formation of window openings at roof level on the front elevation of the building and one at ground floor and two at first floor level on the rear elevation of the building. The alterations are proposed to facilitate the conversion of part of the ground floor, first floor and roof space to provide seven 1-bedroom self-contained flats. The public house use would remain at ground floor level, however, the internal layout would be amended slightly and reduced in size.

The ground floor would consist of public house and a 1-bedroom flat, at first floor level there would be four 1-bedroom flats and at roof level, two 1-bedroom flats. The flats would consist of open plan kitchen/living area, bedroom and bathroom,

To the rear of the building a communal garden area is proposed, along with cycle storage for 8 cycles and refuse storage.

A vehicular access is also proposed from Canterbury Street and two parking spaces.

Site Area/Density

Site Area: 0.0475 hectares (0.1173 acres)

Site Density: 21.052 dph (8.5251 dpa)

Representations

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

Six letters have been received raising the following objections:

- Further demand for on street parking.
- Proposed vehicular access is in a dangerous location for other car users and pedestrians.

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

Principle

The Westcourt Arms 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 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The building dates back to 1888 and is located on the site of the historic Westcourt Farm, from which the pub took its name. Whilst the pub does not benefit from national designation, it is considered to be a Non-Designated Heritage Asset due to its architectural and historic value, being a well-loved local landmark building in largely original condition externally and the positive contribution it makes to the townscape. Accordingly, NPPF paragraphs 184, 189, 190, 191, 192, 197, 198 are relevant. These paragraphs aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation. Minor alterations are to be made to the external appearance of the building and it is considered that the alterations would not cause harm to the external appearance of this Non-Designated Heritage Asset.

The site is currently vacant but the existing and lawful use of the building is for 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. The application proposes the retention of the public house, albeit, with a slightly reduced footprint.

Accordingly, no objection is raised to the principle of the proposed development under Policies CF1 and H4 of the Local Plan and Paragraphs 11, 184, 189, 190, 191, 192, 197 and 198 are of the NPPF.

Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

Minor alterations to the exterior of the building are proposed. A window opening would be inserted in the gable end on the front elevation of the building with three other new window openings to the rear of the building. Roof lights would be inserted to the front, sides and rear roof slopes of the building. The public house signage is to be retained and it is recommended that a condition is attached to secure this.

Overall, the proposed alterations would respect the visual amenity of the surrounding area and comply with Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the building being existing and with only minor alterations proposed to the building, it is not considered that the development would have a detrimental impact on the existing occupiers in terms of loss of sunlight, daylight or outlook. With regard to loss of privacy to neighbouring properties, the use of the building would intensify in terms of the amount of residential units within it, however, due to distances to neighbouring properties it is not considered that the development would have a detrimental impact on neighbouring properties in terms of privacy.

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed flats have been considered against the Technical housing standards - nationally described space standard dated March 2015.

The proposed flats would comprise two 1B1P units and five 1B2P units. The national described standards require a gross internal floor area of 37m² for a 1B1P unit, if a shower room is provided and 50m² for a 1B2P unit. A double bedroom should have a floor area of 11.5m² and be at least 2.55m wide. All of the proposed flats would meet with this standard. The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the units.

No private balconies are proposed to the building; however, a shared amenity space is proposed to the rear of the building.

Overall, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

Highways

Two parking spaces are proposed within the development, which would fall short of the parking standards of one space per 1-bedroom unit. The site is located in a sustainable

location and the parking standards allow for a reduced amount of parking in sustainable locations where public transport and local amenities are within easy walking distance.

The development is likely to increase parking demand and therefore a condition is recommended for a parking management scheme to be submitted.

Paragraph 110E of the NPPF, outlines that developments should be designed to enable electric charging points and therefore a suitably worded condition is recommended to secure this.

No objection is therefore raised on highways grounds and the development is considered to be acceptable in terms of Policies T1, T2 and T13 of the Local Plan and paragraph 109 of NPPF.

Bin Storage

Two separate bin storage areas are proposed for the commercial use and residential within the rear amenity/parking area. The bin storage area for the residential units is considered to be acceptable in size and location.

Noise

Paragraph 180 of the NPPF and Policy BNE2 of the Local Plan requires the application to be assessed with regard to noise. The site is on the heavily trafficked Canterbury Street and therefore road traffic noise along with noise from the public house use, would have an impact on the future occupants of the residential units.

An acoustic report has been submitted with the application. The attenuation measures recommended by the acoustic report are mainly acceptable especially in relation to the flooring and glazing. However, the acoustic report shows that the noise criteria for internal rooms cannot be met by having open windows and recommends that trickle vents are suitable ventilation for the properties. It is not considered acceptable for trickle vents to be used as the only means of ventilation as they would not be able to provide a level of comfort during hot weather, which would lead to the residents opening the windows and negating the instillation of the trickle vents as a means of noise mitigation.

Due to thermal and acoustic requirements of residential properties, where the internal noise levels will be exceeded with windows open, mechanical ventilation is strictly required, through wall ventilation units. A condition is therefore recommended requiring details of appropriate acoustically screened mechanical ventilation for the residential units.

With the abovementioned condition imposed it is considered that the development would comply with paragraph 180 of the NPPF and Policy BNE2 of the Local Plan.

Trees

There are five trees within the site which have been identified within the tree report submitted with the application, as lower graded specimens. The trees are clearly visible from the highway and provides a contribution both to local character and local biodiversity as tree cover within this area is very limited.

Policy BNE43 of the Local Plan states that *development should seek to retain trees that provide a valuable contribution to local character*. Paragraph 175(a) of the NPPF states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

The submitted landscape plan proposes the replacement of the trees with a Magnolia tree, shrubs and flowers. The replacement planting is not considered to compensate for the loss of the existing trees, however, the building has been unoccupied for nearly a year now and it is considered that bringing the building back in to a viable use outweighs the loss of the trees.

Overall, it is considered that the development complies with Policy BNE43 of the Local Plan and paragraph 175(a) 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 £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 paid this tariff. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Electric car points will also be provided and hard standings will be drained as requirements of conditions on a planning decision notice.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage is provided within the secured rear communal gardens, as such the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and the external alterations to the building minimal. The development is considered to comply with Policies BNE1, BNE2, BNE43, CF1, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 11, 109, 110E, 124, 127, 175, 176, 180, 184, 189, 190, 191, 192, 197, 198 of the National Planning Policy Framework 2019.

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/>