

MC/21/2861

Date Received: 1 October 2021
Location: Southern Belle 170 High Street
Gillingham Medway
Proposal: Part conversion of existing public house and six residential units to four 1-bedroom and three 2-bedroom residential units including construction of a second-floor extension with new mansard roof and associated external alterations
Applicant Agent: Mr Tim Watters
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Ward: Gillingham North Ward
Case Officer: Tom Stubbs
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 6th April 2022.

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:

Received 1 October 2021:
0014.PL06 Bin and Cycle Storage External Space Plan

Received 31 January 2022:

0014.PL07 Rev B Proposed Floor Plans

Received 11 February 2022:

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

- 3 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - o Details of proposed windows including details of their positioning (recessed) within the reveals.
 - o Details of the proposed dormers including materials and finishes of the surrounds and cheeks.
 - o Details of the proposed doors to flats and micro pub.
 - o Details slate tiles.

The development shall be implemented in accordance with the approved details.

Reason: Required prior to commencement of development due to the conversion nature of the application and to ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 4 No development shall take place until, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference Revision 2 dated 04 February 2022, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be retained and maintained in accordance with the approved details.

Reason: Required prior to commencement of development due to conversion nature of the proposal and to ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 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 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 residential unit and shall thereafter be retained.

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

- 6 The development shall not be occupied, until the area shown on the approved layout as cycle storage has been provided in accordance with drawing

number 0014.PL06. 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 this reserved parking space.

Reason: Development without provision of adequate accommodation of cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 7 The development shall not be occupied, until the first-floor bay windows and dormers for flats 4, 5, 6 and 7 have been configured in accordance with drawing 0014.PL08 Rev D. This work shall be completed on the windows and dormers before the room to which it/they 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.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within section 5.1 of the Design and Access and Heritage Statement. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of the National Planning Policy Framework 2021.

- 9 The new external walls 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 Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 10 The separating ceiling and/or floor between residential units in separate occupation 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: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 The basement herein approved shall be kept available for storage ancillary to the building and shall not be used as habitable accommodation at any time.

Reason: In the interests of amenity in accordance with Policies BNE2 of the Medway Local Plan 2003.

- 12 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 only 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.

Recommendation

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

Proposal

This application seeks planning permission for part conversion of existing public house and six residential units to four 1-bedroom and three 2-bedroom residential units including construction of a second-floor extension with new mansard roof and associated external alterations.

The application seeks to reduce the existing ground floor use of a public house to a micropub which would be approx. 7.8m deep from the entrance onto the High Street with the rear to be used as flats to be accessed from Victoria Street. The upper floor flats will either be accessed from a new entrance fronting the High Street or the side access of Victoria Street.

The application seeks to build a new mansard roof with roof lights with a maximum height of approx. 9.8m to allow further living area within the roof space and a second floor only side extension overhanging the existing side access. This would measure approx. 3m in width, approx. 7.9m in depth with an eave's height of approx. 6.5m and ridge height of approx. 8.2m.

The internal layout is proposed as follows:

- Basement – Micropub storage and landlord store.
- Ground Floor – Micropub with access from the High Street elevation, two 1-bedroom flats both with open plan kitchen/living rooms, bathroom and external amenity space within courtyard. Both have separate access from Victoria Street.
- First floor – One 2-bedroom flat with bathroom, open plan kitchen and living room and accessed from the shared High Street access and two 1-bedroom

flats both with open plan kitchen/living rooms and bathroom, accessed from shared side access from Victoria Street.

- Second Floor – Two 2-bedroom flats with bathroom, open plan kitchen and living room and accessed from the shared High Street access and shared side access from Victoria Street.

New matching windows are to be installed to facilitate the change of use on the Victoria Street and High Street elevations while windows to bedrooms of flats 4, 5, 6 and 7 within the courtyard are to be provided with boxed windows or dormers to protect privacy. The proposal seeks to utilise an existing rear garage for bin stores and 7 secure cycle lockers which are to be accessed from the gated side access.

Site Area/Density

Site Area: 0.03 hectares (0.07 acres)

Site Density: 233.33 dph (100 dpa)

Representations

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

A **petition** objecting to the development has been received, signed by **108** people, however only **47** are considered valid as the remainder have failed to provide either full addresses or full names. The concerns raised are the loss of a local pub which is a social meeting place and the lack of parking for the proposed flats.

One letter from the public has been received neither in support or objection but enquiring if the new first or second floor extension would be self-supported or utilising the existing boundary treatment.

Although the method of construction of the extension is not a planning consideration and covered by building control legislation, the applicant was informed of the enquiry so they could answer directly.

Southern Water have provided a plan of the sewer records and indicates that a formal application is required to them for the connection to a public foul sewer. It informs the needs for SUDS on site and suggests information regarding possible requirements for the development. It goes on to indicate that there may be sewer crossing the site now deemed public and investigations will be required. An informative regarding this representation response will be added to this decision, however as the application is of a minor nature no formal SUDs condition is required on this occasion.

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 2021 and are considered to conform.

Planning Appraisal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within both the urban area and core retail area of Gillingham adjacent the Railway Street Conservation Area. Policies H4 and H5 of the Local Plan permits residential development consisting of redevelopment of buildings no longer required for non-residential uses providing there is a clear improvement to the local environment and encouraging high densities in or close to town centres. Policy R12 of the Local Plan encourages mixed uses within core retail areas that incorporate high design standards, and which contribute to the vitality and viability of these centres. Paragraphs 11, 60, 69, 119 and 120 of the NPPF also encourage effective use of land, mixed uses, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated.

A representation received has raised concerns about the loss of their local pub as a social meeting place. However, due to the retention of a public house, albeit smaller in scale, fronting the High Street there is no objection with regards to Policy CF1 of the Local Plan regarding the loss of existing community facilities or Policy R6 of the Local Plan which seeks to retain appropriate uses within core retail area of Gillingham.

The principle of a mixed-use development within the core retail area is considered acceptable, subject to the compliance with the detailed matters which are set out in the assessment below. If not met, then a consideration regarding the presumption of sustainable development is required due to the Councils current 5-year land supply.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design. 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. Policy BNE14 of the Local Plan requires development affecting the setting of the conservation area to preserve or enhance the areas historic or architectural character and seek sympathetic materials and fenestration amongst other criteria.

The application site is on a prominent plot adjacent Gillingham train station at the corner of Gillingham High Street and Victoria Street and contributes to the setting of the adjacent Railway Street conservation area. The application would retain its active use frontage within Gillingham High Street and no objection is raised to the additional ground floor entrance which would not be a new feature to the area. The proposed mansard roof with dormer windows is considered acceptable in design, size and scale and would not be detrimental to the street scene or setting of the conservation area, while the additional matching windows have been arranged to be sympathetic to the existing arrangements. Similarly, the side extension is also considered acceptable with regards to design, size and scale and no objection is raised. If the application were considered for approval further details of materials would be required and further

details relating to the doors and proposed new windows and their reveals would be required.

Subject to the suggested conditions, the proposal would therefore be in accordance with Policies BNE1, BNE14 and H4 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings 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 130(f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

By virtue of the siting, size, scale of the development and location of windows within the development, orientation of the site and path of the sun and in relation to neighbouring properties and their windows, there would be no unacceptable impact on neighbouring properties amenities with regards to privacy, outlook, sunlight or daylight.

Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical Housing Standards - nationally described space standard dated March 2015 (the national standard) of which all flats are compliant in terms of the gross internal floor areas and room sizes. Furthermore, all habitable rooms have suitable outlook. The proposal includes special dormers within the roof and box windows at first floor have been proposed to preserve outlook and privacy between flats 4 and 5; and 6 and 7. A condition would be required for this proposed arrangement to be implemented prior to occupation and retained thereafter if the application were recommended for approval.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states flats of this size should have a minimum 5sqm private outdoor space, if this could not be provided this should be included as additional to the gross internal floor area. Only the ground floor flats would have an external private amenity area which are in accordance with this standard, while flats 6 and 7 are 5sqm above the national standard. Flats 3, 4 and 5 do not provide the additional 5sqm, however in this instance as these flats exceed the national space standards, the nature of application as a conversion rather than a new build, the current five-year land supply and suitable indicative layouts within the floor plans, no objection is raised to this under provision.

Due to the location of the site in a High Street area on a busy road junction and train station the future occupiers are likely to be subject to noise from external sources and from the retained micro pub. A noise assessment has been submitted in support of the application which is considered acceptable subject to suitably worded conditions for a scheme of protecting the development from noise and a condition to secure wall and ceiling noise transmission levels due to the proposed layout.

The basement would not provide any habitable rooms and would be used for storage for the micropub and landlord only. There would be concerns about the suitability of the basement if it were used as habitable living space. Consequently, a condition is recommended to ensure that the basement cannot be used as a habitable room.

When considering future uses of the proposal, if the flats were used in the future as C4 HMOs there would be potential impact on neighbours from disturbance and increased parking pressure in the area. There would also be needed to protect future occupier amenities of 6 people in flat not suitable for more than 1 to 4 people. Consequently, if considered for approval, PD rights should be removed for the conversion of flats to C4 to protect neighbouring amenities.

Subject to the recommended conditions, the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of Policies BNE2 and H4 of the Local Plan and paragraphs 130, 174 and 185 of the NPPF.

Highways

Concerns have been raised within the letters of representations regarding the number of flats and lack of parking provision causing an impact on the local area.

No parking is proposed for the proposed flats and micropub which would not meet the parking standards. However, reductions are allowed if located in a sustainable location. The application site is located within a sustainable town centre location adjacent Gillingham railway station and would therefore meet the criteria for a car free development. However, it is considered to protect neighbourhood amenity and reduce parking pressure on the neighbouring roads, a parking management plan would be required to prevent any parking by residents and visitors onto the existing public highway network.

The cycle storage to the rear garage is considered to be safe and secure and would be conditioned for its retention providing a sustainable travel alternative.

Subject to the above conditions the proposal is considered to be acceptable in respect of the transport and parking policies BNE2, T1, T2, T4 and T13 of the Local Plan and paragraph 111 and 112e of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF requires new development to take account of the impact on air quality.

The application is supported by an air quality statement due to the location of the site at the corner of a busy road junction. The report is considered acceptable and indicates that concentrations of key air pollutants are likely to meet the relevant air quality objectives at the façade of the proposed residential units. The assessment concludes that no further mitigation is required to ensure a satisfactory level of air quality for future occupiers.

The proposal is therefore considered in accordance with Policies BNE2 and BNE24 of the Local Plan and paragraphs 174 and 186 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 £253.83 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 the mitigation and completed a SAMMs Mitigation Contribution Agreement form. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicant has provided a list of energy efficiency mitigation measures within section 5.1 of the Design and Access and Heritage Statement submitted in support of the application. These include emphasis on fabric first approach, good insulation in new elements, better quality windows and doors; upgraded floor for sound and fire, more efficient heating and lighting systems and consideration of most appropriate low or zero carbon technologies likely to include PV panels or Solar Thermal Panels on the roof, or alternatively air source heat pumps if deemed viable and suitable. It is also noted of the sustainable location of the proposed development which encourages transportation from sustainable sources other than by car and secure cycle storage for the future occupiers.

If the application were considered for approval a verification condition to ensure that these measures have been provided prior to occupation would be required in accordance with paragraph 154 of the NPPF.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies CF1, S6, R6, R12, H4, H5, BNE1, BNE2, BNE14, BNE24, BNE35, T1, T2, T4 and T13 of the Local Plan and paragraphs 11, 60, 69, 111, 112, 119, 120, 126, 130, 154, 174, 180, 181, 185 and 186 of the NPPF. Accordingly, the application is recommended for approval subject to conditions.

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 the 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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>