



Delegated Report

Planning Application

Application no: 20211291

Location: The Windmill Tavern 45 Shrubbery Road Gravesend Kent

Description: Retention of new seating area formed of wooden decking, a pergola roof and timber outbuilding along the north boundary.

Applicant: Mr Paul Shovlar

Site Visit Date: 18th January 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

Planning Application Form received 14th October 2021;
Planning Statement received 14th October 2021;
Drawing No. 01A – Plans & Elevations received 25th January 2022;
Drawing No. 02 – Site Location Plan received 14th October 2021;
Drawing No. 03 – Block Plan As Existing received 14th October 2021;
Drawing No. 04 – Block Plan As Proposed received 14th October 2021; and
Heritage Statement received 15th October 2021.

Relevant Planning History

Application Ref. No.	Description	Status	Date
19871082	Erection of a conservatory at the rear	Permission	08.02.1988
19810499	Erection of single storey side extension to form toilet block	Permission	22.07.1981

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development affecting Conservation Areas

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 12 - Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Windmill Hill Conservation Area Character Appraisal (2007)
- Conservation Areas Maintenance/Replacement Windows and Doors Guidance (2020)

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultations, Publicity and Representations

External

Environment Agency

We have assessed this application as having a low environmental risk. We therefore have no comments to make

KCC – Heritage

The site lies within an area of multi-period archaeological potential, however, I consider it unlikely that the proposed works will have a significant archaeological impact and have no further comments to make in this case.

National Grid

No comments received.

Internal

GBC – Environmental Protection Team

Our service has no comments in relation to this application.

GBC – Conservation Officer

No comments received.

Neighbouring properties

The application has been advertised by a press notice, site notice and individual neighbour letters to 13 properties with an overall consultation expiry date of 19th November 2021. Four letters of representation have been received. One letter of support has been received and three letters objecting to the development for the following summarised reasons;

- Materials are out of character with the conservation area
- Seating area not in keeping with its surroundings
- Crude materials and unsuitable materials for conservation area
- Negative impact for the Windmill Hill Conservation Area and properties on Shrubbery Road
- Out of keeping with character and appearance of dwelling, streetscene and would not preserve the character and appearance of the Windmill Hill Conservation Area
- Not in accordance with Policies CS19 and CS20 (LPCS)
- In breach of Article 4 Direction
- Account has not been taken of the outbuilding design and construction to safeguard the amenity, including privacy, daylight and sunlight of the neighbouring property at 47 Shrubbery Road
- Poor design
- Does not add to the overall quality of the area
- Does not meet building regulations
- Height of the outbuilding and the impact it has on the garden of 47 Shrubbery Road
- Would set a precedent for future building work
- Visual Impact
- Close to boundary wall
- Height appears to be more than 2.5m
- Materials unacceptable within conservation area
- Overbearing
- Loss of privacy – design allows for overlooking

Officer's Analysis

Procedural Issues

The current application is a part retrospective application for the *retention of the of new seating area formed of wooden decking, a pergola roof and timber outbuilding along the north boundary*, following an enforcement enquiry.

On 20th December 2021, an update confirmed that the temporary permitted development rights (PDR) introduced in 2020 to 2021 were being made permanent following a public consultation. This includes the rights for moveable structures in the grounds of pubs, cafes, restaurants and historic visitor attractions, stating that;

Pubs, cafes and restaurants will be able to erect a moveable structure for an unlimited number of days without the need for a planning application.

Listed pubs, restaurants, cafes and historic visitor attractions will be able to erect a moveable structure for 120 days in a 12-month period, subject to prior approval by the local council.

This will ensure we protect historic assets whilst also making best use of their outdoor spaces to operate in.

These rights exclude markets on sites designated as Scheduled Monuments.

Additional measures apply to all moveable structures to minimise impacts on surrounding communities, including limits to size, height and distance to residential boundaries.

These measures, introduced through PDRs, are separate to changes to pavement licenses introduced last year. Pavement licenses allow hospitality businesses to place furniture, such as tables and chairs, on the pavement outside their premises the PDR for movable structures allows businesses to install marquees in gardens or outside areas on their own land.

It is therefore possible under the current seating area would fall under permitted development. However, as a full planning application has been submitted, the development will be assessed against local and national policy.

Site and Surrounding Area

The Windmill Tavern is an existing public house located within the urban area of Gravesend and within the Windmill Hill Conservation Area as defined on the adopted Gravesham Local Plan Core Strategy policies map. According to the 2009 conservation area character appraisal, "The character of the Conservation Area is of a residential suburb, containing a large number of buildings of architectural and historic interest. The buildings are relatively unaltered and generally in a good state of repair."

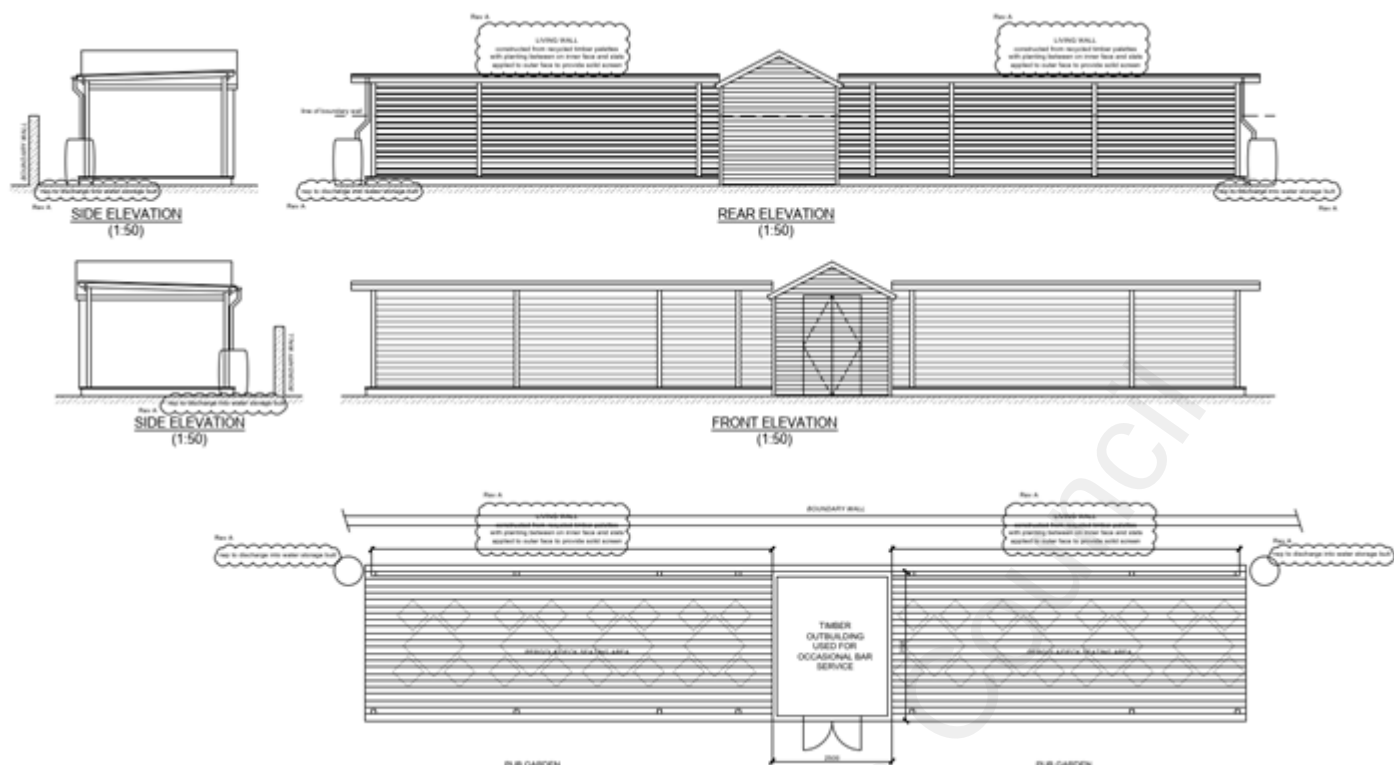


The proposal is for the retention of new seating area formed of wooden decking, a pergola roof and timber outbuilding along the north boundary.

Existing Seating Area (as constructed)



Proposed Seating Area (with minor amendments)



Design, Character and Appearance

Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 states that when considering any planning application that affects a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014 sets out that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource central to the regeneration of the area and the reinforcement of sense of place. Proposals and initiatives will be supported which preserve, and where appropriate, enhance the significance of the Borough's heritage assets, their setting where is contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough. These include Gravesend Town Centre and the Borough's urban and rural conservation areas.

At a national level, the revised National Planning Policy Framework (NPPF) 2021 at section 12 (Achieving well-designed places) sets out the national policy on good design. It states that development should be sympathetic to local character and history, including the surrounding built environment. Section 16 (Conserving and enhancing the historic environment) sets out national policy heritage matters and it states that great weight should be given to a heritage asset's conservation. Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) (LPCS) prioritises development in the urban area as a sustainable location for development.

Policy CS19 (LPCS) states that's new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards.

The existing seating area replaces four wooden structures of three sheds and a timber outbuilding used as a gin bar, in the same location up against the common boundary with No. 47 Shrubbery Road.

Previous Structures



With regard to the impact of the development on the conservation area, the seating area and bar are not visible from the streetscene. Furthermore, in terms of the presence of structures, together with seating areas and bar, the new seating area and occasional bar has not introduced a new feature or use to the existing pub garden and is in the same location as the previous.

Existing Streetscene



In terms of materials, being timber built with plastic roof sheeting and felt to the bar structure, these also do not differ from the structures that were previously present.

However, to improve the finish of the rear of the structure and to address concerns relating to the live wall and plastic sheeting, revised plans have been submitted showing the enclosure of the rear with shiplap style boarding to match the rear of the bar. In addition, and to improve the rainwater runoff from the roof to avoid the pooling of water behind the structure, the submitted revised plan includes rainwater goods located to the rear of the roofslope and 2no. water butts at either end for water collection. A condition will be imposed on the decision to ensure that the changes are implemented within a timely period.

With a height of 2.32m at the rear from the natural ground level, and being set 850mm from the boundary wall, the seating area is not excessive in height. It is noted that the garden level of The Windmill Tavern is set higher than the adjacent dwelling to the north, 47 Shrubbery Road and as such, any structure within the pub garden would have more visual prominence. However it is not considered to be excessive in height or much greater than the previous shed and outbuilding and are not located closer to the pub or neighbour's property.

It is therefore concluded that the development has not resulted in a detrimental impact on the site or has a

negative impact on the visual amenity or character of The Windmill Tavern, its garden or the Windmill Hill Conservation Area. It is therefore considered that this proposal complies with the statutory test of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy and saved Policy TC3 of the Gravesham Local Plan First Review and Section 16 of the NPPF (2021).

Impact on adjacent properties.

Development should not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 130 of the NPPF (2021) which requires the amenity of existing residents to be protected.

As noted above, the seating area is not located further to the east towards the neighbouring property than the previous sheds and gin bar and with a height of 2.32m at the rear closest to the boundary wall, the structure is not excessive in height.

Representations received make comments regarding the loss of privacy and increase in noise resulting from the structure. The use of the pub garden, together with opening hours and live music has not altered and as such the presence of a covered seating area would not effect this. In relation to loss of privacy, the previous structures and hedging provided screening to the garden of No. 47 Shrubbery Road, however the supporting planning statement highlighted that these structures had fallen into poor state and required removal, of which planning permission would not be required. Therefore, if the previous structures were removed and not replaced, patrons of the pub would afford direct views over the rear garden of No. 47 and the potential to lean or sit on the boundary wall which would have a greater impact on the neighbours amenity.

The revised plans show the rear to be enclosed with a shiplap style boarding, similar to the bar structure, and as such, once implemented, no views would be afforded over the neighbouring garden when patrons are using the seating area. A condition will be imposed on the decision to ensure that the changes are implemented within a timely period.

Given the sufficient distance to the neighbouring properties and height and design of the seating area and bar, it is considered that they do not adversely affect the neighbouring properties in terms of loss of light, privacy, outlook and increased overshadowing. As such, the proposal would comply with Policy CS19 (LPCS) and the NPPF (2021).

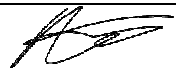
Conclusion

The seating area and bar are considered to be acceptable additions to the existing pub garden and site as a whole and do not result in a detrimental impact on the visual amenity of The Windmill Tavern or Windmill Hill Conservation Area. It is considered that the development would therefore be compliant with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework (NPPF) (2021), Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994) as they relate to the preservation of the character and appearance of conservation areas.

Recommendation

Permission

(For reasons for approval and informatives, see draft Decision)

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	25 th January 2022	Dated:	2nd February 2022