

**MILLERS COTTAGE PUBLIC HOUSE, 31 SHRUBBERY ROAD GRAVESEND
KENT DA12 1JW**

**APPLICATION FOR CONVERSION TO FORM x1 DETACHED DWELLING
HOUSE WITH ASSOCIATED PARKING ACCESS AND AMENITY SPACE**

PLANNING DESIGN AND ACCESS STATEMENT

INTRODUCTION: SITE LOCATION AND CHARACTERISTICS

The application site lies within Gravesend Town Centre in the borough of Gravesham, and is located in the urban area to the south of the River Thames and the shopping centre. It is within the Windmill Hill Conservation Area which has the character of a residential suburb with a large number of buildings of architectural and historic interest located within it.

The area is divided by narrow lanes meandering up the steep slopes of Windmill Hill. Buildings, mainly residential dwellings of varied age character and appearance, line the streets with two typical forms comprising paired villas and terraces. Residential properties in Shrubbery Road are of a very mixed character style and appearance including refurbished older houses and modern replacement dwellings.

There are also individual historic buildings which have survived, including former agricultural and mill buildings which have been converted to new uses.

The application site itself is located on the west side of Shrubbery Road with a wide frontage, in contrast to the housing either side and in the immediate locality. To the south is a short terrace of attractive 2 storey houses with basements known as 25-29 Shrubbery Road, which were constructed in mid-19th century. The buildings are of stock brick with rendered sides and are Grade II Listed Buildings.

On the east side of Shrubbery Road, opposite the application site, there is a terrace of older mid-19th century houses. Nos. 9-12 are Grade II listed buildings, nos. 13-16 are buildings of Local Interest and nos. 17-19 are Grade II Listed Buildings.

Further information on Heritage Assets and their setting and on the Conservation Area is set out in the Heritage Statement which forms part of the application.

Immediately adjacent to the application site to the north is a modern brick-built terrace of 2 storey houses known as 1-4 Millers Terrace. There is also a modern infill development of 3 storey town houses (21-23 Shrubbery Road), on the opposite side of the road, uphill, to the south.

Aerial photographs and photographs of the site frontage (pre-existing) are attached at appendix PDA 1.

HISTORY OF USE AND PLANNING HISTORY

In respect of the general history of the site it is understood that the building was originally built circa 1695 and was associated with one of the windmills on windmill hill. Records show that the building was still in use for grinding wheat in 1842 when Mr Michael Slaughter, who was the last miller to occupy the cottage, left. The building was then registered as a public house. The licensee list includes Alfred Axcell 1891-1922 who operated the brewery and mineral water factory next door.

During the Victorian times there were 3 public houses at Windmill Hill, The Millers Cottage, The Windmill Tavern and the Belle Vue. The Belle Vue burnt down in 1900 but the Windmill Tavern remains open and is located very close to the application site, to the north. It is understood that The Millers Cottage closed as a Public House in November 2018 due to lack of trade and has been vacant since then.

The building has been altered and extended over the years to meet the needs of use as a public house. A search of Gravesham's Public Access website reveals little planning history. The only application recorded was for a new window at first floor level on the side elevation which was permitted in 2005 (reference 20050334).

Most planning history for the area relates to the adjacent site where successive applications were submitted for redevelopment of the former Axcells Brewery and mineral water factory for residential purposes. The most recent application (reference GR/95/470) was permitted in 1996 and details were subsequently approved in the following years. That development is now complete.

Planning Permission was Granted (20191193) on the 17th March 2020 for a development of the same description: 'Change of use of the public house to a single family dwelling with associated access parking and amenity space and partial demolition of single storey southern side extension.' This was not completed wholly in accordance with the approve plans and correspondence with the Enforcement Officer stated that a Minor Material Amendment application should be submitted. It was decided to submit a full planning application (part retrospective), instead. That is this application.

THE PROPOSAL

The proposal is to convert the building into a single dwelling house with **limited external alteration. Windows and doors have been replaced and joinery details have been included with the application. There have been some changes to the arrangement (location) of openings which have not made a significant impact on the character of the building.** Access arrangements and parking will utilise the existing drive and double garage. The rear garden area and front seating area will be retained as amenity space.

The toilets and store and cellar serving the pub will be removed and the layout altered as shown on the application drawings.

Views of mature trees between the building and the adjacent terrace which is at a higher level will still be achievable and no important vistas will be lost.

The upgrading and improvement, particularly of the frontage, and the ensuring of good stewardship for the future will be of overall positive benefit to the Conservation Area.

Note

The Enforcement Officer observed that a roller door had been fitted to the garage (photo 1 below), and a parapet added to the front of the easternmost flat roof projection (photo 2 below). **These features have not been included on the proposal plans.**



Photograph 1



Photograph 2

Key external differences between the approved scheme and the proposed scheme

South West elevation (side) – Alterations to window openings, including an additional window. Windows are timber, and the two opening windows are sash windows. A horizontal glazing bar will be added to the new window.

North East elevation (side) – Alterations to window openings, including two timber casement windows.

South East elevation (front) - Windows on primary building replaced with slightly larger timber casements (but in the same arrangement). Timber horizontal glazing bars to be added to the installed windows as shown on the proposed plan. Black painted quoins extended to the ground floor. Two garage doors on the approved scheme to be replaced with a single timber garage door on the proposed scheme. The bay window to the front of the easternmost flat-roof projection has a tiled roof on the proposed scheme and is filled in underneath.

North West elevation (rear) - Alterations to window openings, including a new location for one window and removal of a door. Windows are timber, with three opening sash windows and one casement on the ground floor. Black painted render around first floor window on projecting gable.

Joinery details have been included with the application.



Photograph 3: Existing front elevation. Horizontal glazing bars to be added to timber casements on front elevation according to joinery details.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 2 of the National Planning Policy Framework 2021 ('the Framework') reiterates this, whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

In this case the Development Plan comprises the Gravesham Core Strategy (2014), the saved policies of the adopted Gravesham Local Plan (1994) and the emerging Development Management Policies Document which was published as a Consultation Draft in April 2018. Relevant policies are set out and examined below.

Development Plan Policy

The Core Strategy

The housing trajectory in *Appendix 4 of the Core Strategy* demonstrates that there are sufficient sites to meet the Borough's housing requirements in the first five years of the plan period post adoption (2014 – 2019). However, the Core Strategy acknowledges that there is insufficient land supply identified in the current SLAA to meet the level of housing need over

the whole plan period. To address this, the Plan states that the Council will look for additional sites.

The proposal will provide an additional unit of family housing in an accessible and sustainable area.

Core Strategy policy CS02: Scale and Distribution of Development states that the development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and to make provision for the Borough's objectively assessed need for at least 6,170 new dwellings delivered at a variable rate as follows; at least 325 dwellings per year for 2011/2012 – 2018/2019, at least 363 dwellings per year for 2019/2020 – 2023/2024, at least 438 dwellings per year 2024/2025 – 2027/2028, and at least 186,490 sq. m gross employment floorspace (within use classes B1, B2 and B8) during the plan period.

The Plan states that development will be distributed throughout the Borough. Approximately 3,890 new dwellings will be provided in the Opportunity Areas at Northfleet Embankment and Swanscombe Peninsula East, Gravesend Riverside East and North East Gravesend, Ebbsfleet, Gravesend Town Centre and on land at the Coldharbour Road. Approximately 2,280 new dwellings will be provided on other sites in the urban area and rural settlements inset from the Green Belt.

The strategy prioritises development in the urban area as a sustainable location for development. In the rural areas the Plan sets out that development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.

The Plan also states that a strategic Green Belt boundary review will be undertaken to identify additional land to meet the housing needs up to 2028 and to safeguard area of land to meet development needs beyond the plan period, while maintaining the national and local planning purposes of the Green Belt.

The proposal will help to meet housing need and the site is in the urban area in accordance with the policy.

Policy CS19: Development and Design Principles sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should 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 design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site

context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;

- New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;
- New development will be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land; will avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and will not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;
- The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;
- New development will be designed in an inclusive way to be accessible to all members of the community;
- New development will provide appropriate levels of private and public amenity space;
- New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;
- Car parking will be well related to the development it serves;
- New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;
- New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;
- The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;
- New development will incorporate appropriate facilities for the storage and recycling of waste; and
- The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.

The proposal meets all of the above criteria. The site is located close to the town centre and the station. Upgrading the fabric of the building will improve energy efficiency and deliver carbon reduction. Planting and landscaping including the removal of hard paving on the frontage will assist biodiversity. There will be no harm to neighbour amenity and the removal of the public house use will reduce noise and disturbance particularly in the evenings and at weekends. It is noted that there are houses immediately adjacent to the site right up against the boundary and that the pub use would have included use of outside space for drinking etc. It is anticipated that local people will be pleased to see the proposed change of use particularly as there is still a retained public house very close by so there is no unacceptable loss of a community facility/leisure use.

Policy CS20: Heritage and the Historic Environment states 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. It sets out that particular attention in this regard will be focused on those heritage assets most at risk through neglect, decay or other threats. Securing viable, sustainable and appropriate futures for such assets at risk will need to be reconciled with the sensitivity to change that many present.

It also sets out that proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset, and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough.

When considering the impact of a proposed development on a designated heritage asset the policy states that the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage issues are addressed in the accompanying Heritage Statement which sets out that the character and appearance of the Conservation Area will be preserved and enhanced and that the setting of the nearby Listed Buildings will be unaffected and improved

The Saved Policies of the Gravesham Local Plan (1994)

There are no relevant specific policies in the saved policy version of the 1994 Local Plan. Heritage policy for Listed Buildings (policy TC2) does not include or relate to proposals which affect the setting of a listed building and only relates to proposals for demolition alteration or change of use of listed buildings themselves. The public house is not a listed building.

Policy TC3 (development affecting Conservation Areas) states that where development is acceptable in relation to other policies in the plan it will be carefully judged for its impact and will be expected to make a positive contribution to the Conservation Area. It states that the Council will expect applications to contain sufficient detail to enable the impact of the proposal upon the Conservation Area to be assessed. The second criterion relates to the demolition of listed buildings and is therefore not relevant in this case as the proposal is for a conversion.

Heritage Issues are addressed in the accompanying Heritage Statement.

Draft Development Management Policies 2018

Emerging policy includes proposed *Policy DM14: retention of public houses*. This states that planning permission will only be granted for development which results in the loss of an existing public house where it has been demonstrated through the submission of evidence that the public house is no longer economically viable or capable of being made economically viable at reasonable cost and where the public house has been the subject of continuous effective marketing for a period of 12 months or more on reasonable terms, and there has been no reasonable offer rejected.

The policy also states that in considering the acceptability or otherwise of a proposal the council will have regard to

- The role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute towards a shortfall in local provision
- The design character and heritage value of the public house and the significance of the contribution it makes to the streetscape, local distinctiveness and historic environment of its location
- The ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building
- The appropriateness of the proposed alternative use in relation to the location of the site and neighbouring uses and
- Whether or not the proposal provides an alternative community service or function.

The policy also states that proposals resulting in the loss of a public house must be accompanied by CAMRA (campaign for real ale) compliant public house viability test.

Although the weight to be afforded to this emerging policy is limited as it has been only been published as a Reg 18 consultation draft relatively recently, it indicates the way the Council are approaching proposals such as are put forward in this application.

National Planning Policy

National planning policy sets out a presumption in favour of sustainable development. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively to secure development that will improve the economic social and environmental conditions of an area and should seek to approve applications at every level wherever possible where development is sustainable.

Decisions should promote effective use of land. Paragraph 123 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed, and is not allocated for a specific purpose in development plans, where this would help to meet identified development needs. In particular they should support proposals to use retail and employment land for homes in areas of high housing

demand provided that this does not harm the economy or vitality and viability of town centres.

Decisions should seek high-quality design and ensure that development is sympathetic to local character and history (amongst other things). Decisions should conserve and enhance the historic environment. Great weight should be given to conservation of heritage assets and any harm to or loss of the significance of a designated heritage asset, either from its alteration or destruction or from development within its setting, should require clear and convincing justification.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to significance of a designated heritage assets such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use Paragraph 206 states that proposals which preserve those elements of the setting of a heritage asset that make a positive contribution to the asset or better reveal its significance should be treated favourably. Paragraph 203 states that in weighing application that directly or indirectly affect non-designated assets, a balanced judgement will be required having regard to any harm or loss and the significance of the asset.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA, CONSERVATION AREA AND ADJACENT LISTED BUILDINGS AND THEIR SETTINGS

The proposal is for a conversion with limited external alterations so that the character and appearance of the building (particularly the front elevation) will not be significantly altered and the character and appearance of the street scene, the area and the Conservation Area will remain largely unaffected. The front elevation of the modern side projection has been set back behind the front elevation of the main building, so that the original shape of the building can be appreciated.

The building will be refurbished and redecorated and **the sign on the front boundary** will be retained to keep the link with the historic use of the building as a public house. The frontage which is subdivided into terraces and paved with various poor quality hard surfacing material will be improved and enhanced with planting in a traditional style to match the character of the building as a cottage, as reflected in the name of the public house. Planting will incorporate traditional cottage garden flowering plants and will include the provision of a fruit tree. The result will be an enhancement in the attractiveness of the frontage which will be of benefit to the character and appearance of the Conservation Area and will enhance the setting of adjacent listed buildings.

It is noted that there is recent modern development adjacent to the application site and also on the opposite side of the road adjacent to the terrace of listed buildings. The overall character is mixed and some of these developments are not entirely sympathetic to the heritage assets and do not enhance or preserve their setting. The upgrading of the frontage of this site will help to offset that impact and uplift the character and appearance of the area generally.

ACCESS

Access will remain as existing, **with a large garage retained** at the side of the building with parking on the hard surface area in front of the garages as shown on the existing and proposed block plans. Use of the building as a single dwelling will greatly reduce demand for on street parking which would have been significant when the building was in active use as a public house.

More generally the application site is located in a highly accessible area within easy walking distance of Gravesend Town Centre, bus services and the railway station. It would be possible to live in the proposed new dwelling house without owning or using a private car

The conversion gives the opportunity to allow access by persons with impaired mobility and the ground floor could accommodate a bedroom instead of the proposed study and a bathroom, and the building would be adaptable for use by wheelchair users. The ground floor is spacious and would lend itself easily to conversion. It would for example be possible to live on one level on the ground floor and provide accommodation for a carer plus other family members on the first floor above.

It is submitted that the site is in a sustainable and accessible location and is suitable for residential use.

OTHER PLANNING ISSUES

In terms of impact on neighbour amenity the proposal will be of benefit to immediate neighbours in that the use will be quieter than the public house use which involved persons sitting outside at the front and rear of the building talking and drinking which may have caused some nuisance particularly in the summer when windows are open. There are private houses close on each side of the site. Disturbance associated with comings and goings by car would also be reduced. There will be no overlooking or loss of privacy and no impact on daylight or sunlight.

The prospective occupiers will have a good standard of amenity with amenity space at the front and rear, private parking and space for bin storage.

In terms of loss of the public house it is important to note that there is another Public House known as the Windmill Tavern very close by. This is a thriving public House which offers food, darts evenings etc, has a large attractive garden and can meet the needs of locals and visitors for this type of facility. Competition with this other public house is a likely reason for the closure of the Millers Cottage some time ago. Information on this issue and on marketing is set out in a report from Drake & Company property consultants who act for Enterprise Inns (EI Group plc), which is attached at Appendix PDA 2.

This report explains that in consideration of market conditions and in view of the failure of the previous business, and following detailed consideration of the historic and future profitability of the pub, EI Group plc decided to dispose of their freehold interest in December 2017. It sets out that the property was actively marketed from January 2018 and that during the time the property was being marketed on a freehold basis the majority of interest received was from parties considering residential conversion.

The report confirms that the availability of the property was circulated to a wide audience as evidenced by the marketing campaign, and that the site had no realistic demand from pub or restaurant operators. It concludes that in the view of the marketing agents the premises is not viable as a pub business going forward.

It is clear that the potential to return the building to Public House use is limited. In particular there is little land at the rear so it is not possible to provide a proper beer garden in the same way as at the Windmill Tavern. The Windmill Tavern has established trade and is already a focus for community activity. Any trade resulting from the closure of The Millers Cottage has been taken up by The Windmill Tavern which will have benefitted in terms of viability from the closure of the competing facility. It is noted more generally that there are also good community facilities in the Town Centre including a theatre, restaurants and other public houses.

The Applicants have had regard to the CAMRA Viability Test and consider that in this case there is justification for allowing change of use of the building. It is noted that the document states in its conclusions that it is not the aim to protect the continued existence of each and every pub.

CONCLUSIONS

The proposed change of use and conversion of the vacant former Public House to form one residential dwelling house will not lead to harm to the character and appearance of the area, the character and appearance of the Conservation Area, the significance or setting of any nearby Heritage Asset, neighbour amenity, transport or Highway issues or any other material planning consideration.

The loss of the Public House facility will not be harmful to the vitality of the local community. The existence of the Windmill Tavern public house very close by will ensure continuing provision of this type of community facility and the reduction in competition will assist in ensuring the viability of the remaining public house for the future.

The application site is located in an accessible location close to the town centre with good access to bus services and the railway station. Parking can be provided as at present in the garages and on the drive, within the site, and there will be a reduction in demand for on street parking formally associated with the public house use.

Other positive benefits will accrue from this proposal. Residential use will fit in well with the surrounding uses in the area and in terms of amenity of occupiers of immediately adjoining housing there will be a benefit in terms of quieter environment in the evenings and at weekends especially in the summer. Improvements to the frontage of the site through replacement of the existing poor-quality hardstanding with good quality materials and the provision of a cottage style garden with a tree, will greatly enhance the character and appearance of the site and make a current positive contribution to the setting of Heritage Assets and the character of the Conservation Area

It is submitted that the benefits which will result from this proposal will outweigh any limited impact which may occur and the council are therefore respectfully requested to grant planning permission as applied for.

