
SUMMARY REPORT

Application Ref:	20231186
Site Address:	The Amazon And Tiger, Harvel Street, Meopham, Gravesend DA13 0DE
Application Description:	Change of use to C3 dwellinghouse.
Applicant:	Mr Michael Whitehouse
Agent:	Mr Nicholas Kingsley Smith, Kingsley Smith Solicitors LLP
Ward:	Meopham South and Vigo
Parish:	Meopham
Decision due date:	1 March 2024
Publicity expiry date:	27 February 2024
Decision Level:	Committee Decision
Reason for referral:	Councillor Call In
Recommendation:	Refusal.

Summary of Reasons for Recommendations

This proposal relates to the intended change of use of a Public House to a residential dwelling. The works would involve the loss of the kitchen/diner at first floor and its replacement with a bedroom and the loss of the bar, servery and seating area at ground floor for a snug/study, dining room and sitting room. The existing kitchen, utility room and W/C would remain in situ but be utilised for residential purposes only. The attached B&B would remain and does not form part of this planning application.

Whilst the proposal would be in keeping with the surrounding area and not harm the conservation area, the proposal would result in the loss of a community asset. The loss of this community asset, which is designated as an Asset of Community Value, would be contrary to both the Development Plan and the NPPF (2023).

No evidence has been provided to illustrate that the Public House is not viable or that sufficient alternative provision is available to the local community. This is contrary to Policy CS10: Physical and Social Infrastructure, as public houses form part of social infrastructure, that provide a focal point for local communities as well as tourists to share connections and develop a common interest and relationships that builds up civic life.

As attested to by neighbour comments, the public house prior to its closure provided a social venue to the local community in Harvel. The loss of this venue, without the provision of an alternative community service or function could contribute to a shortfall in local provision, and insufficient evidence has been provided to show otherwise.

Overall, the fact the property is an Asset of Community Value whilst not in itself a material planning consideration at all times, when taken into consideration with local and national policy, would support the conclusion that the loss of the Public House would be contrary to the Development Plan and material (planning) considerations, therefore the recommendation is for refusal of planning permission.

MAIN REPORT

1. Site Description and Surroundings

- 1.1 The Amazon and Tiger is a public house with an existing residential use located in Harvel. It lies within the Green Belt, the Harvel Wooded Downs Landscape Character Area and the Harvel Rural Conservation Area. The public house has living accommodation at the first floor which has the benefit of a Lawful Development Certificate stating that it is separate from the public house. It also has a two-storey side extension which houses a B&B. To the front and side is a car park and to the rear is a large public house garden.
- 1.2 The building itself is two storeys with a garage to the side. It has a residential appearance and a front garden with some soft landscaping. Opposite is the village hall and its car park.

2. Relevant Planning History

20220597	Application for a Lawful Development Certificate in respect of the continued use of part of the public house as residential.	Certificate Granted	23.09.2022
20220594	Application to vary condition 4 of approval 20140008 to allow the bed and breakfast accommodation to be used not ancillary to the existing public house accommodation.	Permitted	24.11.2022
20140008	Erection of two storey side extension to provide bed and breakfast facilities.	Permitted	03.03.2015
20080347	Erection of first floor rear extension to form three bedrooms, ensuite shower room/wc and two ensuite wc's.	Permitted	18.09.2008

3. Proposal

- 3.1 This application seeks to change the public house use to a residential use. The change of use relates to the areas outlined in red (the blue outline denotes other land owned by the applicant):



- 3.2 The ground floor will provide for a kitchen, utility, sitting room, dining room, a snug, WC and a study. The first floor will remain the same save for the replacement of the current kitchen and lounge with a bedroom. The property therefore will consist of three bedrooms. The B&B consisting of a morning room at ground floor and two bedrooms and a shower room at first floor remain separate and will stay in B&B use.

4. Planning Policy, Development Plan and other Material Considerations

4.1 Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS09 – Culture and Tourism
- CS10 – Physical and Social Infrastructure
- 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
- T1 – Impact of Development on Highway Network
- P5 – Change of Use of Buildings and Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings

- 4.2 Paragraph 33 of the NPPF (2023) 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.
- 4.3 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development

- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)
- Harvel Rural Conservation Area Appraisal (2017)

5. Consultations, Publicity and Representations

Consultees

5.1 KCC Biodiversity

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

The building for conversion may have suitability for roosting bats. We note that the roof appears to be proposed to remain unaltered. However, there are some external and internal alterations that may produce considerable noise and disruption, and potentially disturb/affect any bats that may be roosting in the building. Additionally, it is unclear whether any significant access will be needed to the roof void for tradespeople e.g., electricity/ plumbing alterations.

Protected species presence must be taken account of in the planning decision. We request the following information prior to determination:

- Photographs of the external area to be modified;
- Further details regarding the internal works e.g., is access required to the roof void to alter plumbing/electrics etc...;
- Whether and where any scaffolding will be required;
- For the noisier renovation works, clarification on how long works are expected to take.

This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

Further, under section 40 of the NERC Act 2006 and paragraph 180 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF 2023, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

The applicant was made aware and confirmed that all works are to the ground floor only and no access is required to the loft. No scaffolding is required. Internal works include installation of new radiators, repairs to existing pipework to and from radiators, replacement of electrical cables in the

ceiling of the ground floor. Pictures were provided and a summary of an inspection of the premises by Plaxtol Pest and Wildlife Management.

KCC were re-consulted and responded with the following:

Thanks for this clarification from the applicant.

Based on the proposed works, as clarified, I do not expect there to be any impacts upon bats or other protected species from proposals. Sufficient information has been provided.

I have not taken into consideration the results of the bat survey carried out. The bat survey was carried out by a pest control company. No details of the competency of the individual who carried out the survey, or detailed methodology of the survey has been provided to support it. We would normally expect a preliminary roost assessment to be carried out in line with best practice guidelines and by a suitably qualified ecologist (or other suitably competent person – evidence of competency provided).

If planning permission is granted for these proposals, we would recommend an enhancement condition be attached:

e.g., Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

5.2 GBC Environmental Protection

No objection to this application. The following is recommended.

Code of Practice on Construction and Demolition: Please apply as appropriate to minimise any impact during the conversion works on nearby premises.

Lighting: Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminates anything other than the ground within the curtilage of the properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Drainage/sewerage informative: The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

5.3 GBC Highway Officer

No highway objections to the principle of conversion, the demands for a single dwelling are considerably less than the requirements for a public house. There is scope for some of the car parking to be repurposed as garden, subject to the need to retain visibility splays at the access.

The gates visible on Google Street view also give rise to concern, as they are not set back 6 metres

from the carriageway, a vehicle must park on street whilst gates are opened or closed and this increases highway risk of collision particularly during the night or inclement weather. Although Crashmap.co.uk does not show any accidents in the area, the provision of gates would be a change.



5.4 Meopham Parish Council

The Parish Council strongly objects to this application for change of use as The Amazon and Tiger is registered as an Asset of Community Value.

Allowing the change of use would mean the permanent loss of a valuable village asset and could lead to Harvel itself being less sustainable as a community. We ask that GBC take this material consideration into account when reaching a determination.

5.5 Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to six neighbouring properties. 38 letters of support have been received, 148 letters of objection and 1 neutral letter at the time of this report being published. A summary of responses can be found below:

Support

- Better as a family home than an empty building
- The village doesn't need a public house and that has become apparent
- There is a café at the local farm shop used as a meeting place
- Stayed in the B&B for a holiday and could not believe how quiet the public house was
- The community has failed to support the premises forcing the owner to pursue other revenues
- The change of use should occur only if the building's heritage is not lost to a new façade
- The public house has been closed for three years now and people have found other places to meet up

Object

- The public house was the heart of the community and beneficial to the village; it should remain as a pub
- Detrimental to the area
- Other pubs such as the Vigo Public house and Green Man have also been lost
- The public house was granted an ACV so granting permission would be in complete contrast
- Policy CS10 supports community well being
- The village hall is only open sporadically and you need to be a member to access the cricket club
- No accounts have been submitted with the application

- Who is to say under different management the public house would be successful
- White Horse Farm brings 1,000s of tourists to the area who express disappointment that the public house is closed
- There are no other pubs within a 3km radius (50 min walk)
- The landlord chose to retire but that does not mean the public house should close. All offers made to the landlord were rejected
- The public house has been run down to suggest it is an unviable business
- The landlord has started demolishing parts of the building and there is a chance the public house interior and bar has been demolished too
- The application should be refused to give the public house a chance of coming back to life
- Loss to the local economy
- Concern there will be additional building on the site
- Other events in Harvel were often charity events which hardly count as rival businesses
- The application is purely for profit
- Many clubs met weekly at the pub
- Many locals are fully prepared to save their public house and deserve the opportunity to make this happen
- There is no housing shortage in Harvel
- The Plough in Trottiscliffe Village was written off by the owner and is now owned by the local community
- The ACV should prevent any change of use
- The owner has made it look residential already with high fences and blocking off the car park
- The one-off events were historically part of the pub
- This is a public house with landlord living quarters above, not a residential dwelling that happens to have a public house in it
- Offers were made to the landlord but were rejected
- Concerns that if this is approved another dwelling will be applied for

6. Planning Analysis and Head of Planning Comments

Principle

Asset of Community Value

- 6.1 The property is listed as an Asset of Community Value (ACV). The Localism Act ("the Act") was enacted on 15 November 2011, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.
- 6.2 The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy the asset on the open market. If the owner of an ACV wishes to dispose of it, they first have to notify the Local Authority. When the Local Authority receive notice from the owner of an intended disposal, the following periods begin to run. This applies to land, or buildings included in a Local Authority's list of assets of community value.
- In the first instance, there is an "interim moratorium period" of six weeks. During which a defined "community interest group" can submit a written request to be treated as a potential bidder for the land. We must pass the request on to the owner.
 - The "full moratorium period" of six months is triggered if such a request is received. It is intended to give the group time to assemble a bid and, if successful, complete the purchase.
 - During the "protected period" of eighteen months (from the same original date), the owner is free to sell the asset without further delay. This applies if no community interest group has submitted a request and/or pursued it through to completion of a purchase within the relevant moratorium periods.

- 6.3 The Amazon and Tiger was nominated as an ACV by Meopham Parish Council and was added to the Council's list of assets of community value on 13 May 2021.
- 6.4 In terms of making planning decisions, an Asset of Community Value listing does not place any restriction on what an owner can do to their property if it remains in their ownership from a planning perspective in itself. The use of a site is governed by the planning regime and informed by regulations issued by His Majesty's Government. When determining a planning application, it is open to the Local Planning Authority to decide if the building or other land as an asset of community value is a material consideration, considering all the circumstances of the case, the development plan and material (planning) considerations.

Loss of Public House

- 6.5 The application site is a public house which has residential accommodation at the first floor and a B&B to the side (granted approval under reference 20140008). It is located within the Green Belt outside the confines of a rural settlement inset from the Green Belt. The surrounding area is predominately residential in nature with a cricket club to the north and a village hall to the south. The Amazon and Tiger has not been operating since 2021 when the landlord decided to retire. There is no other public house within Harvel, with the nearest Public House being The Villager within Vigo Village.
- 6.6 Policy CS02 of the Gravesham Core Strategy 2014 states that development outside rural settlements inset from the Green Belt, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting Green Belt and policies in the plan. The proposal does not relate to affordable housing and will not diversify the rural economy.
- 6.7 Public houses perform a number of important functions including providing leisure, entertainment and community facilities, as well as employment opportunities. As such, Policies CS09 and CS10 of the Gravesham Local Plan Core Strategy (September 2014) are relevant. Policy CS09 seeks to protect and support improvements to existing cultural and tourist facilities. Policy CS10 supports proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improve community well-being. This policy also states that where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available. Both of these policies weigh in favour of the retention of the public house.
- 6.8 The applicants have referred to Policy CS10 and have made the point that this policy supports existing infrastructure. They argue that the Amazon and Tiger is not an existing infrastructure as it has closed and has been closed for several years. The public house has however only been closed for three years, and this closure coincided with the Covid-19 pandemic, which impacted the wider hospitality sector. It is noted that Public Houses were hit hard by the pandemic and prolonged closures, however, in more recent times evidence has shown that this part of the hospitality sector has started to recover, with Star Pubs & Bars recently announcing the reopening of 62 public houses that has closed in recent years and JD Weatherspoon reporting a steady recovery.
- 6.9 Policy CS07 supports proposals that promote the appropriate expansion and diversification of the rural area economy. Support will be given to the conversion of rural buildings to employment use/live-work units where it is compatible with national policies for protecting the Green Belt and where it accords with policies in this plan, in particular relating to Green Infrastructure. However, these proposals would result in the loss of diversification of the rural area and therefore do not comply with this policy.
- 6.10 Para. 97 of the NPPF (2023) states that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 6.11 The applicants have stated that the use as a public house is not viable and have sought to demonstrate this position by sharing their financial accounts with the LPA on a confidential basis. It is the opinion of officers however, that the accounts do not demonstrate the financial situation of the public house or that a viable business could be operated from this location.
- 6.12 The financial information provide reflects the pandemic period. From March 2020 to the end of 2021, the UK experienced several periods of increasing and decreasing infection rates (waves) of Covid-19. Throughout this period there were a wide range of risk reduction measures put in place. National lockdowns (late March 2020 - June 2020, January 2021 – July 2021) and local lockdowns (tiers) (September 2020 – November 2020) restricted gatherings and movements of all but essential workers, closure of all hospitality venues and non-essential shops, closed schools and encouraged working from home. Between these lockdowns, restrictions were gradually lifted sometimes nationally and sometimes at a local level. Therefore, the difficulties encountered by this business would not have been unique.
- 6.13 Notwithstanding this, there is no policy to allow a change of use based on turnover/income alone. It is generally considered that the marketing of a property would determine whether a business is still viable, with the Campaign for Real Ale also providing guidance on this matter in the form of their own Public House Viability Test. This is particularly important in this case as the property is registered with the Council as an Asset of Community Value. As stated above, it is up to the Local Planning Authority to decide if this is a material planning consideration or not, in the context of the Development Plan and other material (planning) considerations.
- 6.14 In addition to the accounts the applicants have provided information regarding other events that have been organised locally that have undermined the business. These include paid bars at quizzes in the local village hall, Harvel 5 mile race which also has a paid bar, fetes, Harvel Festival and the Farm Shop that sells alcohol. Whilst there is no doubt these events have taken place, these events occurred sporadically at would not materially harm the finances of the public house. They also cite the change in smoking laws as a reason for lost custom which would have affected the public house as it affected all pubs since 2007. The applicants claim that when events were arranged by the public house customers would smuggle alcohol into the premises which affected their takings. The lunch trade they had from the local factory was lost when the factory closed. The Harvel Cricket Club now has a new pavilion with a bar. Weekly meets for the running club moved to the Cricket Club (it is not clear if this move happened after the public house close or before). The owners state that they tried to find ways to keep costs down through changing opening hours and that retaining staff was difficult.

- 6.15 The evidence submitted by the applicant is therefore considered to be inadequate to show the site is not economically viable or capable of being made economically viable as a public house or that the property has been subject to a continuous effective marketing strategy. In fact, the applicant was advised over 18 months ago that any application to change the use to residential should be accompanied by evidence that a marketing exercise was undertaken. In relation to this they admit in their supporting statement that the public house has not been marketed but:
- Policy RE5 (that requires 12 months of marketing) is not adopted and very limited weight can be given to it
 - The public house is not an existing use as it shut several years ago
 - The submission clearly shows the B&B is the only viable business
 - The existing residential element is a separate residence. If the public house was marketed any prospective purchaser would expect living accommodation to be included
- 6.16 Whilst the LPA accepts Policy RE5 from the Regulation 18 Stage 2 consultation should be afforded no weight in decision making, the public house is an existing use, and no attempt has been made by the applicant to secure a viable future for the sight. Whilst the applicant has retired and wish to retain the upper residential accommodation as a separate planning unit, this is insufficient to justify not undertaking any marketing for the site.

Green Belt

- 6.17 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.18 Para. 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.19 Para. 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.20 Para. 154 says that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. This application seeks to convert a building and therefore this paragraph is not applicable.
- 6.21 Para. 155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;*
 - b) engineering operations;*
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*
- 6.22 The change of use of the public house to a dwelling would comply with exception (d) provided there is no detrimental impact on openness.
- 6.23 The main impacts of residential development on openness is the pressure for ancillary buildings such as sheds, garages etc. and other domestic paraphernalia such as patios, furniture, washing

lines etc. The public house garden already contains a lot of these items. Arguably the number of cars that would be parked at the property would be less as a residential use than commercial. At best there would be an improvement to openness due to the change of use however, the impact is likely to be negligible.

- 6.24 The principle of change of use to residential in terms of Green Belt policy is therefore acceptable.

Overall balancing exercise

- 6.25 The applicant has referred to the LPA housing supply and the tilted balance. This is not applicable to this application, as the proposal does not result in a net additional dwelling being added to the Borough's housing land supply. The proposal merely seeks to increase the size of the dwelling at the site. No evidence has provided to justify the need for a larger dwelling.
- 6.26 Whilst the proposal would be in keeping with the surrounding residential area and green belt policy, and there would be no impact on the surrounding landscape or conservation area, the proposal is contrary to the adopted Development and material (planning) considerations.
- 6.27 It is important to consider the role a Public House has within the community. The Public House is listed as a community asset and as attested by neighbour comments, it provided a great social venue over many years. The loss of this venue, without the provision of an alternative community service or function would contribute to a shortfall in local provision, and insufficient evidence has been provided to show otherwise.
- 6.38 In terms of factors weighing against the application these are the designation of the building as an Asset of Community Value, the loss of diversification of the rural economy in conflict with Policies CS02 and CS07, the proposal not protecting or supporting improvements to existing cultural and tourist facilities or CS10 which seeks to protect the physical and social infrastructure that improve community well-being.
- 6.39 Also, weighing against the application is para. 97 of the NPPF (2023). which seeks to provide social, recreational and cultural facilities and services the community needs including planning positively for community facilities such as public houses.
- 6.40 Overall, the loss of the public house would be contrary to local and national policy.

Design, Character and Appearance

- 6.41 The Amazon and Tiger is located in the centre of Harvel and has large front garden and side area laid to parking:



6.42 The application site lies within Harvel Wooded Downs Landscape Character Area and the Harvel Rural Conservation Area.

6.43 The key characteristics of the landscape is a varied topography, ancient woodland, a traditional historic settlement set around a village green, occasional traditional farmsteads and a haphazard mosaic of residential plots and small holdings set within the woodland. The condition and sensitivity is moderate and guidelines are to conserve and create. The change of use of the building to residential would not have any detrimental impact on the surrounding landscape character.

6.44 The Conservation Area Appraisal says the following about the Amazon and Tiger:

The Amazon and Tiger Public House

This takes the form of a long, narrow, two storey rectangle with a symmetrical hipped roof and a central chimney stack. It has various extensions to the rear. The roof is plain tiled, the upper floor rendered and whitened and the lower floor built in good, red, Flemish-bond brickwork. The street elevation is a puzzle, superficially having the appearance of a pair of semi-detached wide-frontage houses. On closer examination, the setting-out of window openings at ground and first floor varies somewhat and the north-west end is a later extension. First floor windows are bridged with timber lintels with chamfered arises. The rafter ends are exposed and a brick string course separates render above and brick below. The render has a prominent bell-cast onto the string course below. The ground floor, north end, may have been altered. Windows have been renewed in uPVC throughout.

6.45 The proposal to change the use of the ground floor to residential does not involve any external alterations to the building. As the description of the building above states, the property already has the appearance of a pair of generous inter-war semi-detached houses. The proposed change of use therefore will have no detrimental impact on the character and appearance of the area or surrounding conservation area. The Conservation Area appraisal does recognise that there is some enhancement potential at the site which might be achieved through a carefully considered planting scheme at the back of the highway along the full frontage of the public house and its car parks. If members resolved to grant planning permission to this proposal a condition would be recommended to ensure such planting was undertaken.

6.46 The proposed change of use would have no detrimental impact on the character and appearance of the area, conservation area or surrounding landscape and therefore accords with policy CS12, CS19 and CS20 of the Gravesham Core Strategy 2014 and para. 135, 180 and 203 of the National Planning Policy Framework 2023.

6.47 Amenity

Future Occupiers

- 6.48 The layout of the building will ensure that the future occupiers of the proposed dwelling would have sufficient levels of amenity internally and externally

Neighbouring Amenity

- 6.49 There are no neighbours within close proximity that would suffer any loss of amenity from the proposal. There will be no additional built form added to the building and therefore there will be no loss of outlook, privacy, sunlight or daylight.

- 6.50 The proposed change of use therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework (2023).

6.51 Waste

No details have been provided however there is sufficient space on site for waste collection. In the event that members resolve to grant planning permission to this proposal a condition would be attached seeking further details.

6.52 Ecology and Biodiversity

As the proposal results in a change of use of the ground floor of the building (and a conversion of the kitchen/diner to a bedroom at first floor) there will be no works to the loft area of the building. There is therefore not expected to be any impacts upon bats or other protected species from the proposals.

In the event that members resolve to grant planning permission to this proposal a condition is recommended that requests details of how the development will enhance biodiversity will be required. These details shall cover bird and bat boxes. A condition is also recommended that details of external lighting should be supplied prior to installation.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation. Subject to the imposition of these planning conditions in the event that members resolve to grant planning permission to this proposal, the proposal is considered to accord with policy CS12 of the Gravesham Core Strategy 2014 and paras. 180 and 186 of the National Planning Policy Framework 2023.

6.53 Parking and Highways

No highway objections are raised to the principle of conversion, the demands for a single dwelling are considerably less than the requirements for a public house. There is scope for some of the car parking to be repurposed as garden, subject to the need to retain visibility splays at the access and this would improve the overall appearance of the site, and such matters could be addressed via the imposition of a planning condition should a permission be forthcoming.

7. Conclusion

- 7.1 The Amazon and Tiger is listed as an Asset of Community Value, prior to its closure the Public House played a key role in meeting the social infrastructure requirements of the local community.

The closure of the public house and the landlord's decision to retire, coincided with the Covid-19 pandemic. Given these factors, the evidence provided by the applicant is considered to be insufficient to justify that a viable public house cannot be operated from this location, and that there is no interest from third parties to operate the public house.

- 7.2 The proposal results in the permanent loss of this communities' asset, which is contrary to the Development Plan and material (planning) considerations.
- 7.3 Whilst a change of use would not have any detrimental impact on the appearance of the area, conservation area, surrounding landscape or the openness of the Green Belt, it will result in the loss of diversification of the rural economy in conflict with policies CS02 and CS07 of the Gravesham Core Strategy 2014. It will also result in the loss of physical and social infrastructure that improves community well-being where there is not sufficient alternative provision available and is therefore contrary to policy CS10 of the Gravesham Core Strategy 2014 and paragraph 97 of the National Planning Policy Framework 2023.

8. Recommendation:

Refusal on the following grounds:

1. This development would result in the loss of the existing Public House, removing the possibility of any commercial use on the ground floor and the proposal provides insufficient evidence to show the commercial use is no longer viable. As such the loss of the Public House is considered to be contrary to Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2023).

INFORMATIVES

STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area. In this instance the proposal is contrary to the development plan and cannot be supported.

DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Application form
Supporting Statement
Viability Statement
Site Location Plan
Block Plan

Ground Floor Plan (proposed)
Side Elevations (existing)
Northeast elevation (existing)
Southwest Elevation (existing)
Ground Floor Plan (existing)
First Floor Plan (existing)
First floor plan (proposed)

Rear Elevation (proposed)
Front/Southwest Elevation (proposed)
Side Elevations (proposed)