



Delegated Report

Householder Planning Application

Planning Application No: 20230008

Location: Edinburgh Castle 6 High Street Northfleet Gravesend

Description: Conversion of existing public house to 3no studio flats and 3 no 1 bedroom flats.

Applicant: Mr R Sandhu

Site Visit Date: 20/01/2023

Submitted Documents/Plans

- Application form
- Drawing No: EC/A3/01 (Proposed Ground Floor Plan)
- Drawing No: EC/A3/02 (Proposed First Floor Plan)
- Drawing No: EC/A3/03 (Proposed Second Floor Plan)
- Drawing No: EC/A3/04 (Existing and Proposed Block Plan)
- Drawing No: EC/A3/05 (Existing First Floor Plan)
- Drawing No: EC/A3/06 (Existing Front and Side Elevations)
- Drawing No: EC/A3/07 (Existing Rear Elevation and Site Location Map)
- Drawing No: EC/A3/08 (Proposed Front and Side Elevation)
- Drawing No: EC/A3/09 (Proposed Rear Elevation)
- Drawing No: EC/A3/10 (Proposed Front and Side Render Paint Finish)
- Drawing No: EC/A3/11 (Proposed Rear Elevation Render Paint Finish)

Supplementary Information:

- Design and Access Statement

Relevant Planning History

Reference	Description	Outcome	Decision Date
20220622	Conversion of existing public house to 3no studio flats and 3 no 1 bedroom flats.	Refused	30.09.2022

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 – Employment, Economy and Skills
- CS10 – Physical and Social Infrastructure
- CS11 – Transport

- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings

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.

National Planning Policy Framework (2021)

- Section 2 – Achieving Sustainable Development
- Section 7 – Requiring Good Design
- Section 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- SPG2 - 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);

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

Waste Management

“The only suggestion I would make, is to be some protection on the building / fence to stop the bins causing damage when they are being moved as the entrance alley is quite tight.”

KCC - Highways & Transportation

Thank you for your consultation in relation to the above planning application. I note that in highway terms the proposals do not differ materially from the previous application for this site, GB/20220622.

Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the cycle parking facilities shown on the submitted plans (drawing no. EC/A3/01) prior to the use of the site commencing.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal **representation on appropriate assessment** given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of [its conservation objectives](#)) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Ebbfleet Development Corporation

I write in response to your letter dated 9th January 2023 inviting the views of the Ebbsfleet Development Corporation (EDC) on the above planning application currently under consideration by the Borough Council.

EDC have no comment to make on the proposals, however, want to highlight adjacent to the site, within EDC boundary is an extant permission that is currently under construction. When assessing this application please have regard for the future occupiers of the adjacent site.

Below is more information regarding the application on the adjacent site:

The proposals for development at the site at the junction of the High Street and Lawn Road were approved on 6th October 2022 (EDC/21/0209) for the following:

Application for the erection of a four storey building providing 7no. residential units and associated car parking, amenity space and landscaping.

The development, currently under construction, comprises 7 residential units each with private balconies with a ground floor shared entrance, 7no. parking spaces, and communal amenity space both at ground and roof level.

Neighbouring properties

The application was advertised by way of site notice and letters to 38 surrounding properties. The consultation period expired on 3rd February 2023 and two objections were raised.

The main points raised in the objections were:

- Where will tenants park?
- Lawn Road is busy, and this is before the tenants of the development across the road is occupied.
- Road becomes Impassable for larger vehicles such as food delivery and refuse trucks which leads to failed collections and deliveries from north and south lawn apartments.
- Pub was still in use as a pub in 2020.
- Pub is needed in the area as many are shutting, and many flats are being built in the area.

Officer's Analysis

Housing Need

Policy CS02 of the Local Plan Core strategy 2014 sets out the boroughs objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five years housing supply. This engages the first part of footnote 7 of the National Planning Policy Framework (NPPF) 2021 and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of Paragraph 11(d) of the NPPF 2021 unless:

- The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken.*

On this basis, it could be argued that the proposed development for a net increase of five residential units would offer minimal contribution towards meeting this local need and accordingly would weigh in support of the development. However, this has to be balance against other requirements of the NPPF (2021) which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Policy CS02 (Scale and Distribution of Development) (LCPS) prioritises development in the urban area as a sustainable location for development bringing forward a range of suitable sites on other parts of the urban area for residential.

The application site lies within an urban area of the High Street and situated between two Local Centres to the East and West of the site. In addition, The Edinburgh Castle Public House is also within the Northfleet Embankment and Swanscombe Peninsula Opportunity Area.

Paragraph 4.4.26 CS02 of the Local Plan Core Strategy 2014 maintains the following;

“Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in urban area”

Paragraph 4.4.15 identifies;

“Whilst there is a limited range of facilities in this location to serve the local community, it suffers from high levels of deprivation and would benefit from a coordinated approach to improvement”

The application site lies within the urban area of Northfleet and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

Appropriate for Conversion

Adopted Policy CS14 of the Local Plan Core Strategy 2014 is supported by saved Policy H5 of the Gravesham Local Plan First Review 1994 which relates to converting existing buildings to increase housing stock. Policy H5 (i) provides that buildings ‘shall be in an appropriate area for conversion to flats, maisonettes, bedsitters and multiple occupancy’. It also notes that ‘unless there are special or overriding circumstances, conversions will not normally be permitted in areas which are environmentally unsuitable for young families and which already demonstrate a predominance of multiple occupation’. Policy H5 (ii) also notes that “the building shall be of such a size and arrangement as to be generally unsuitable for single family occupation”.

Given that the application site is on the northern side of the High Street and directly adjacent to residential flatted accommodation, the proposed conversion of the public house into flats is therefore considered acceptable.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (Local Plan Core Strategy 2014) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies.

Background

The current proposal is a reworking of 20220622 which was refused on the grounds of:

The proposed removal of the chimney stack and installation of window openings is considered to harm the character of the original building, the fenestration is not in keeping with the existing and so the proposal fails to comply with Policy CS19 of the Local Plan Core Strategy 2014 and Section 12 of the National Planning Policy Framework (2021).

The proposal fails to provide any private amenity space for future occupants and will also adversely impact on the privacy of the occupants due to the rear bedroom windows adjoining a walkway leading to a bin and cycle store which will subsequently result in unacceptable overlooking and unacceptable outlook from passing residents. The proposed bedroom and storage spaces fall below the minimum standards and the proposal will also result in poor outlook which is liable to have a significant detrimental impact on the quality of

life for the occupants and as such it is concluded that the proposal will harm the residential amenity of future occupants, contrary to the adopted Residential Layout Guidelines, CS19 of the Local Plan Core Strategy 2014 and Technical Housing Standards – nationally described space standard (2015).

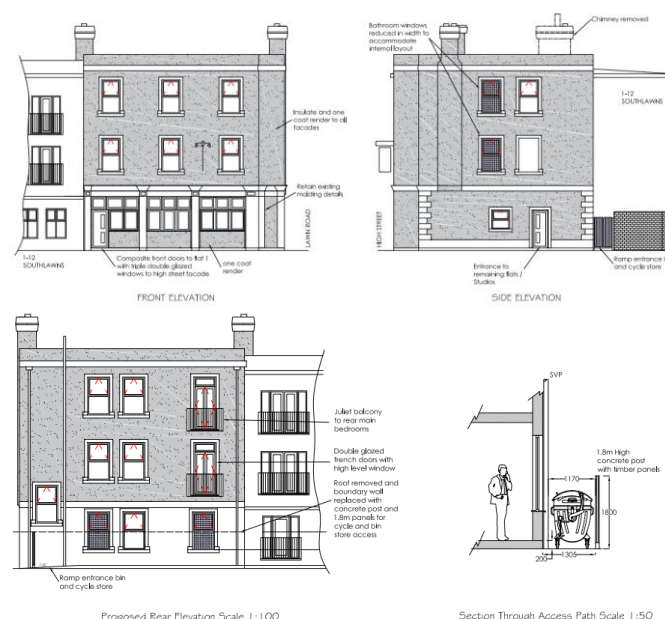
The proposed bin storage does not comply with the council's standards and access to the bin store is also substandard and as such it is concluded that the proposal will harm the residential amenity of future occupants, contrary to the adopted Residential Layout Guidelines and CS19 of the Local Plan Core Strategy 2014.

It will be necessary to ascertain whether the previous reasons for refusal have been addressed in the current proposal.

Refused plans under 20220622



Revised plans under current scheme



Proposal

The proposal seeks to convert the public house to provide 3 x 1bed, 1 person bedsits and 3 x 1bed, 2 person flats. Alterations proposed to the building include replacement of the original timber doors with composite doors and the installation of thermal efficient windows at ground floor level in the front elevation. New window openings are proposed on the eastern flank and the rear which will also include the installation of Juliet balconies.

The exterior of the building will be rendered with the front timber pillars being retained as much as possible.

The proposal will see the rear single storey extension demolished and a reduction to the rear boundary wall to allow for increase in light levels to the rear bedrooms.

Design, Character and Appearance

The application site is a vacant public house on a prominent corner plot on the north side of Northfleet High Street and Lawn Road, the site is currently falling into disrepair and has been broken into from the rear of the property. The site is set within a predominantly residential area with a new block of flats being built across the road from the application site to the East. The northern side of the High Street is mostly flats and the southern side is mostly two storey terraced dwellings. There is a primary school beyond the flats to the west and a parade of local shops next to the dwellings to the south. The site falls just outside of Northfleet Embankment and Swanscombe Peninsula East Opportunity Area to the east.

The public house has been vacant for approximately 2 years although this has been disputed, whilst it is acknowledged that the site may have been in use as late at June 2021 the void period would not impact the decision making process as this is not registered as an asset of community value. The upper floors of the public house may have previously been used as an HMO but the Council have no record of this use.

Due to the buildings prominent corner position, the treatment of the front and side elevations is very important as these areas are highly visible. The proposed front elevation shows that the timber pillars and principal pub façade as being retained, this is contributing towards the building's attractiveness. The exterior walls will be finished with a one coat render with triple glazing installed in the front façade and one triple glazed unit in the eastern flank at ground floor level.



The revised proposal aims to retain the chimney on the eastern flank elevation which was previously a reason for refusal for the original application, the proposal will however continue to remove the chimney on the rear elevation which is not visible from the streetview and so this is not considered to harm the character or appearance of the public house. It is considered that the revised plans have adequately addressed the previous cause for concern relating to the removal of the chimneys.

Previous refused Proposal



Current Proposal



The fenestration in the principle elevation is largely maintained, and two additional window openings on the upper floors are proposed in the eastern flank elevation, however these are set to retain the same scale as the existing window. At ground floor level the existing window will be reduced in size to accommodate a smaller window which will serve a kitchen area. On balance the reduction of this window is not deemed to result in any significant harm when consideration is given to the fact that this building will provide housing.

The rear elevation relates more to the adjoining flats at the rear than the High Street and as such there is more freedom in the design here. The rear elevation is more symmetrical in terms of design and will see a reduction to the height of existing wall which forms part of the rear boundary treatment. In terms of design the rear elevation is afforded slightly more leeway in comparison to the front and flank elevations and so this element of the proposal is deemed acceptable in terms of design and character.

The proposal also shows the installation of a ramp which will facilitate the removal of refuse bins on and off the site, this will not harm the character or appearance of the area and will make a practical and necessary addition, furthermore the tiling on the corners of the development will be maintained which is positive as this will retain the buildings historic traits.

The proposal has adequately addressed the previous reasons for refusal relating to the design, character and appearance of the building and so the proposal is compliant with the requirements of CS19 Local Plan Core Strategy 2014 and Section 12 of the National Planning Policy Framework 2021.

Amenity of Future Occupiers

Internal space standards

In order to ensure that the proposal will create a suitable living environment for future residents the design and layout of new residential development should accord with the nationally described space standards. These set out minimum internal floor areas for new dwellings based on the level of occupancy, bedroom size and number of storeys. Taking account of these standards the proposed overall property sizes are compliant with the national technical housing standards and Gravesham residential layout guidelines, however the storage are below the preferred standard. On balance it is considered that the storage is not below standards to such a degree that a refusal is warranted.

	Actual Floor Area	National Standard	Actual Built In Storage	National Standard	Actual Bedroom Size	National Standard
Flat 1 (1b, 2p)	58sqm	Minimum 50sqm	0.96sqm	1.5	11.58sqm	11.5sqm
Studio 1 (1b, 1p)	38sqm	Minimum 37sqm (with shower)	0.9sqm	1.0		
Flat 2 (1b, 2p)	53.3sqm	Minimum 50sqm	0.75sqm	1.5	11.47sqm	11.5sqm
Studio Flat 2 (1b, 1p)	38sqm	Minimum 37sqm (with shower)	0.76sqm	1.0		
Flat 3 (1b, 2p)	53.7sqm	Minimum 50sqm	0.75sqm	1.5	11.5sqm	11.5sqm
Studio Flat 3 (1b, 1p)	38sqm	Minimum 37sqm (with shower)	0.76sqm	1.0		

The windows serving the shower rooms and bathrooms will be obscure glazed and maintain occupant privacy however a condition would be imposed to ensure the window openings are top hung and non-openable 1.7m from the internal floor level in perpetuity.

It is not possible to provide private amenity space at ground floor level due to the size of the plot. Gravesham residential layout guidelines that seek a minimum of 10 sqm of communal garden area. Whilst not ideal it is accepted that there is little scope to accommodate such space even on the roof level of the

property and so a balanced approach must be taken to determine whether the absence of such space would be so detrimental to warrant an overall refusal of the entire scheme. If a roof garden scheme was proposed this would have its own challenges as there are flats adjacent to the application site which may be impacted through overlooking and so such a scheme may not be warranted in this instance.

The revised plans have omitted the Juliet balconies at ground floor level and retained them at first and second floor level, which is a practical and acceptable approach as a Juliet on the ground floor level would not be acceptable given that it would adjoin the refuse and bike store. The proposed bedrooms have been relocated to the front of the development with triple glazing installed in the front elevation to reduce noise impact. To the rear the windows will serve a lounge and a shower room in the ground floor flat and a shower room in the studio. The studio flat is considered to have adequate light and outlook from the habitable areas and so this revised proposal is adequate in this regard.

The ground floor flat will have a lounge window in the rear elevation which will have a limited outlook due to its proximity to the boundary wall, however this would be a secondary window as there is a window in the front elevation which serves the lounge and kitchen. Whilst the arrangement is not ideal it is considered that a refusal on this basis is not balanced as the increase in dwellings outweighs this isolated issue. However, to maintain privacy a condition will be imposed to ensure this window is obscure glazed and top hung for privacy.

The flats on the upper floors will have adequate light and privacy due to their elevated positions. The flats will be naturally shaded due to the path of the sun, the flats at ground floor level would still have a 45-degree field of view despite the proximity of the boundary wall, but this would not be the case for the upper floor flats due to the bedroom windows being positioned closer to the protruding adjoining building.

As the building's front and side elevation are directly facing the public highway with no defensible space, consideration needs to be given to noise mitigation arising from traffic and footfall to the front of the property. The proposal shows that the windows to the front of the property will be triple glazed where most of the potential noise intrusion would occur.

It is considered that the revised proposal has largely addressed the previous reasons for refusal and on balance a positive outcome is beneficial when considering that the building will be brought back into use as opposed to falling into disrepair as it currently is.

The proposal therefore accords with the requirements of CS19 Local Plan Core Strategy 2014 and SPG2 – Residential Layout Guidelines 2020.

Neighbouring Amenity

The building will remain as existing so its impact on neighbouring properties will be limited. The distance between the proposal building and neighbouring buildings to the north, east and south is considered sufficient to prevent issues with privacy and overshadowing. The windows proposed in the eastern elevation of the development will be conditioned to ensure they are obscure glazed as a means of enhancing user privacy.

The impact on the buildings immediately adjoining the site to the west will be minimal because this building projects to the rear more than the existing preventing any issues with privacy or overlooking on these residential units.

Highways

The proposal will provide adequate cycle storage on site and whilst there is on street parking available on Lawn Road, there is a single yellow line on the High Street and further along there are zig zag markings on the road close to the school entrance to prevent stopping. It is considered that this site is in a sustainable location close to public transport and the proposed bike store is sufficient to meet the minimum parking requirements for such a development.

Waste and Refuse

Whilst the applicant has shown refuse provision for the scheme it will be necessary that a condition is imposed to ensure there is adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores and the management plan shall include arrangements for how the bins shall be taken nearer to the public highway on collection days and then returned to the bin store after the refuse has been collected.

Any Other Material Planning Considerations

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, 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. On this basis a tariff of £275.88 is required per new dwelling.

The applicant has signed a SAMMS Contribution Agreement and has paid the appropriate tariff for the development further to the tariff, which would help put in place adequate measures to mitigate against potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, and would meet the requirements of paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

On this basis a tariff of £1379.40 is required (given there are five additional dwellings proposed on the site).

The applicant has made a payment towards this tariff in full.

Conclusion & Recommendation

The proposal has been fully considered and permission is recommended subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	1st March 2023.	Dated:	6th March 2023