

Delegated Report

Householder Planning Application

Planning Application No: 20230595

Location: Darnley Arms 9 Trafalgar Road Gravesend Kent

Description: Conversion and change of use of public house with accommodation over to provide 2 residential units comprising two 2 bedroom flats.

Applicant: Mr Jagmohan Dobe, Aneesh Property Services Ltd

Site Visit Date: 23 June 2023

Submitted Documents/Plans

- Application form;
- Drawing no. 01 – Floor Plans & Elevations As Existing;
- Drawing no. 02 – Floor Plans & Elevations As Proposed;
- Drawing no. 03 – Site Location Plan;
- Drawing no. 04 – Block Plans As Existing & As Proposed; and
- Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
19850503	Erection of single storey extension at the rear to form toilet accommodation lobby and enlarged kitchen including the insertion of a doorway in the east flank elevation and the insertion of a bathroom window at first floor level in the rear elevation	Permitted	07.08.1985
19850253	Erection of single storey extension at the rear to form toilet accommodation lobby and enlarged kitchen	Permitted	29.05.1985

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

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

- T1 – Impact of Development on the Highway Network

Regulation 18 (Stage 2) Development Management Policies Document (2020)

- RE 5: Retention of Public Houses

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)

- 2 – Achieving Sustainable Development
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 12 – Achieving sustainable development and well-designed places
- 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);

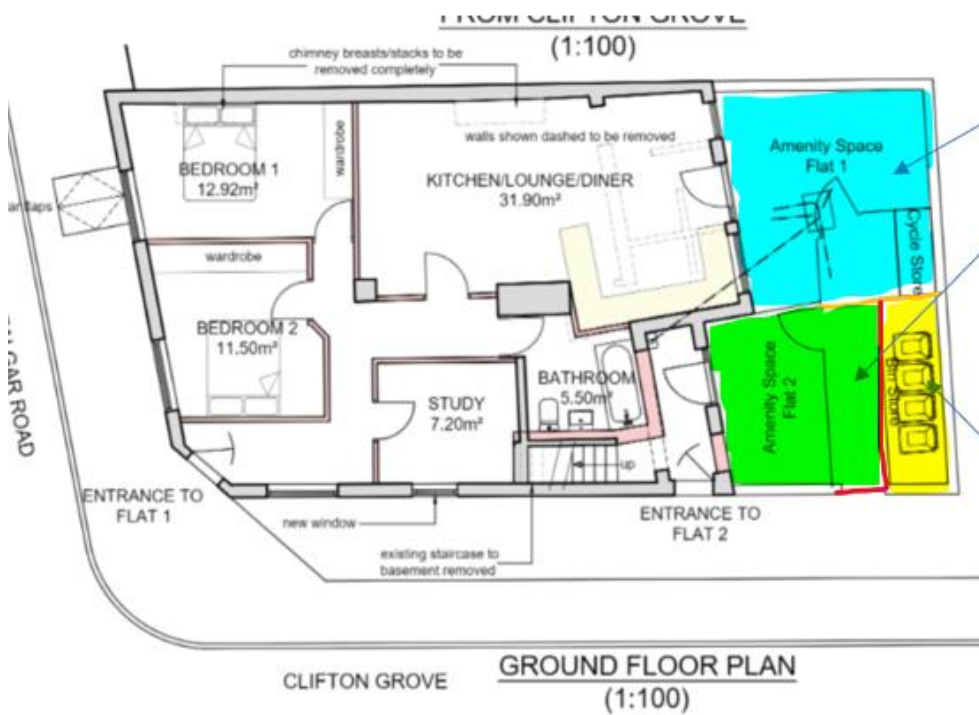
Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This is an edge of town location, and the previous use would have required more car parking than the current proposal, so there are no objections on the ground of car parking. However, the cycle parking provision should be improved, the cycle store should give easy and direct access to each cycle without the need to lift one cycle over the neighbours one. It is considered that by repositioning the cycles to their respective amenity areas together with the bin stores and a relocation of the access to the north of the plot, more amenity space may be achievable for flat 1 and possibly flat 2. Bins could be placed on what appears to be a forecourt on collection days.

Bins and cycles relocated to respective amenity areas



Access Aisle.

There would appear to be a discrepancy in the site plan submitted. The red line follows the line of the walls, whilst observation of the site suggests there is a forecourt used by the property.



Google Street View May 2014

Public house Picnic style of tables outside the public house pre-covid.
Lamp columns are normally located at the back edge of footway.
Apparent boundary line between surface treatments.

GBC Environmental Protection

No objection to this application. The following conditions and informatives are recommended:

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

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 illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Smoke Control Informative: The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

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.

GBC Waste

I have reviewed the planning application and can confirm that I am happy with the refuse collection provision.

Neighbouring properties

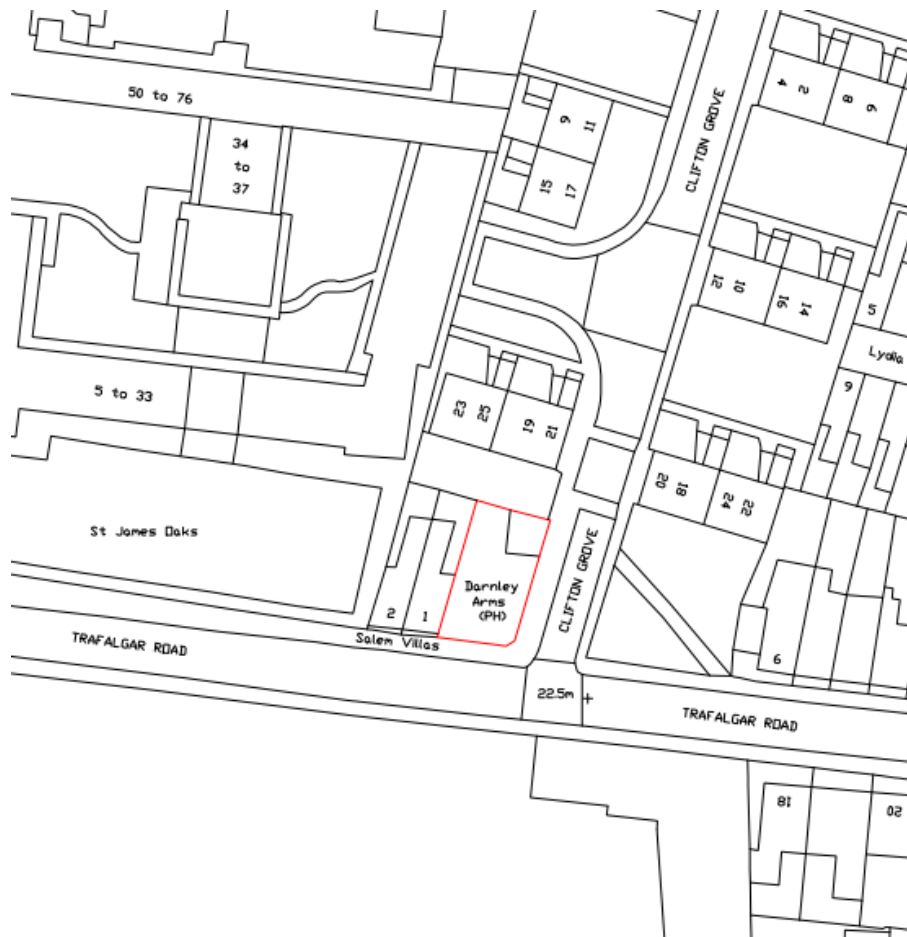
10 surrounding properties were consulted plus site notice – overall consultation expiry date was 14.07.2023 – two responses received the comments of which can be summarised as follows:

- Would cause parking issues, flats tend to have a higher occupancy turnover;
- Concern at possibility of building becoming an HMO;
- The proposed amenity space will have an unrestricted view down into their courtyard due to the ground level of 9 Trafalgar Road being at least two foot higher in the rear garden than our property.
- Issues regarding maintenance of boundary walls which border them;
- Security of the amenity area will need real attention, as if this is not done there is then access to their back courtyard due to the lower levels of their property;
- Roof has holes and guttering needs attention – the plans don't show these issues corrected;
- Plans show chimneys would be removed – this shouldn't happen, they should be re-pointed as they have been left cracked and damaged, concerned if not done will affect their roof;
- The elevation that protrudes into their courtyard has been left to disrepair, the wall has crumbling render and cracks all on the side and old downpipe has not been removed;
- Layout of the first floor flat brings their main living/kitchen space up against their bedrooms that could potentially cause work/life issues;
- The plans also state that there is ample parking in the road outside, this is not true as the flats could have potential of up to 10 extra cars leading to more issues for the residents in this road due to it already being over permitted.
- Proposed idea for the cellar worries them due to constant use when the property was a public house, any heavy usage of the trap doors and cellar leads to shaking of their property.

Ward Councillors – No objections.

Officer's Analysis

The Darnley Arms, 9 Trafalgar Road, consists of a two storey Victorian building comprising of a public house at ground floor with residential accommodation above. The pub is currently vacant, it is stated in the Planning Statement that the business closed down in 2021 as it was no longer economically viable. The site is located at the junction of Trafalgar Road with Clifton Grove. It is shown outlined in red in the extract from the site location below:



The building is two storeys in height, has a splayed corner where the main entrance door to the pub is located and has a bar area, kitchen, ladies and gents toilets at ground floor level and three bedrooms, a bathroom and a store at first floor level. There is a yard area to the rear behind a boundary wall fronting Clifton Grove which has a garage door and a single door in it. There is a garage situated in the rear yard. The building has plastic casement windows and is faced with white painted render.

To the west of the site is a pair of two storey dwellings, 1 & 2 Salam Villas. To the east is a small grassed area with a pathway and beyond this are two storey terraced dwellings. To the south is the Bat & Ball Cricket Ground and to the north are two storey blocks of flats in Clifton Grove. The Darnley Arms and surroundings are shown in the below images:



View west down Trafalgar Road



View north-west showing access through to Clifton Grove also



View east up Trafalgar Road

The proposal is to convert the public house into 2 no. two bedroom flats, flat 1 would be at ground floor and flat 2 at first floor level. The entrance to flat 1 at ground floor would be via the main existing pub entrance door in the splayed corner of the building and the entrance to flat 2 would be via the existing door which serves the pub kitchen. Flat 1 would have two double bedrooms, kitchen/lounge/diner, study and bathroom. Flat 2 would have two double bedrooms, kitchen/lounge/diner and bathroom. The existing garage in the yard area is to be removed and each flat would have its own amenity space and a bin store in this yard area. There is one new window proposed at ground floor level in the east side elevation facing Clifton Grove to serve the study of flat 1 at ground floor and there are two new doors proposed in place of existing windows in order to provide access for flats 1 & 2 to their external amenity areas. The existing garage door and single door in the east elevation serving the yard area will be removed, the openings infilled and just one single gate proposed to the yard area.

The basement would be retained by the landlord for general storage purposes with the existing internal staircase from ground floor to basement removed and sealed off with access to the cellar being via the existing cellar flaps located in Trafalgar Road with a new staircase installed.

The principle considerations in the assessment of the proposal are:

- Housing Need
- Principle of the Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highway Safety
- Ecology & Biodiversity
- Other

Housing Need

Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period, with the Objectively Assessed Need derived from the Standard Method set out in the NPPF (2021) and PPG (Planning Practice Guidance) advising that this figure is now significantly higher (707 dwellings/year as at April 2022). Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the 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 the NPPF (2021) Para 11(d) unless:

- i. 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.
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 124 of the NPPF (2021)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development would provide a net increase of 1 unit which would offer a small contribution towards meeting local housing need and, accordingly, this weighs in support of the application. The NPPF (2021) also encourages the effective use of land in meeting the need for homes. However, this has to be balanced against safeguarding and improving the environment and ensuring safe and healthy living conditions, matters which are sought throughout the NPPF (2021), including in particular the requirement for development to maintain an area's prevailing character and setting; achieve high quality buildings and places; add to the overall quality of the area, be visually attractive and create a high standard of amenity for existing and future users. All of these matters will be considered further below.

Principle of the Development

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by: *Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.*

The NPPF (2021) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.

In this case the proposal would meet these requirements as the building is located in the urban area close to the town centre and would involve the conversion and re-use of an existing building.

Saved Policy H5 (LPFR) states that the conversion of existing properties to flats will be supported provided that, amongst other things, the property is in an area suitable for such conversion. In this case the building is in an appropriate area for flats as it is in a predominantly residential area and there are a mixture of both houses and flats in the area.

This proposal would result in the loss of an existing public house use. It is stated in the Planning Statement that the site operated as a public house successfully until c2020 however, with the change in economic conditions especially following the Covid lockdown, the pub was no longer a financially a viable business and was closed in 2021.

Paragraph 92 of the NPPF (2021) requires planning policies and decisions to plan positively for the provision of community facilities and to guard against the loss of valued services, particularly where this would reduce the community's ability to meet its day-to-day needs. At a local level Policy CS10 (LPCS) states that support will be given to proposals and activities that protect, retain or enhance existing social infrastructure, or lead to the provision of additional infrastructure which improves community well-being. The 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.

There are no policies in the adopted Local Plan that specifically refer to the retention of public houses or community assets. However emerging Proposed Policy RE 5 (Retention of Public Houses) of the Regulation 18 (Stage 2) Development Management Policies Document (2020) states:

5.5.7. 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 a reasonable cost; and*
- The public house has been the subject of continuous effective marketing for a minimum period of 12 months in a lettable condition on reasonable terms, with no reasonable offer refused.*

5.5.8. In considering the acceptability or otherwise of a proposal which would result in the loss of a public house, the Council will also 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 toward 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 the historic environment of its location; and*
- 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, together with the adequacy of parking and delivery arrangements to support the proposed use and potential impact on highway safety; and*
- Whether or not the proposal provides an alternative community service or function*

No evidence or marketing has been submitted with the application to demonstrate that the public house is no longer economically viable. However, given this is only an emerging policy and not yet adopted it carries limited weight. There are therefore no policies in the adopted development plan which specifically restrict the proposed alternative use of the building as residential use. Although ideally it would be useful to have had evidence that the public house is no longer economically viable along with the marketing evidence, there is no policy requirement for such an exercise.

In respect of the other criteria, it is not known whether the public house provided a place for community groups to meet, no information has been submitted in this respect. The proposal would involve only minor external alterations to the building in respect of windows and doors. The building has already been heavily

altered from its original appearance (as seen in the photograph of the building from c. 1938 in the Planning Statement) in respect of being faced with white render and the original windows having been removed and inappropriate plastic windows installed. With only minor external alterations, the existing remaining design, character and heritage value of the public house and the contribution it makes to the streetscape, local distinctiveness and the historic environment would be retained. The proposal is for the existing building to be re-used with no demolition or alterations which would detract from the character and appearance of the building. The site is in a residential area where there are a mixture of flats and houses and therefore the proposed use of the building as two flats is therefore compatible with the surrounding area. The proposal would not result in an alternative community use. Matters relating to parking and highways safety will be looked at in the relevant section below.

On balance, whilst the proposal would result in the loss of a public house use there are no adopted policies in the development plan which specifically resists this loss or protects the public houses in an area. Although ideally it would be useful to explore the potential marketability of the premises for continuing commercial use as a public house, there is no policy requirement for such an exercise. There are several other drinking establishments within close proximity, using the AA route planner it can be seen there are approximately at least 9 other pubs or bars within 1 mile from the Darnley Arms, 9 Trafalgar Road. The site is located in the urban area in a highly sustainable location in respect of its location and being that it is for the re-use of an existing building. It would consist of a residential use which would be compatible with the surrounding area which is predominantly residential with a mixture of flats and houses. The proposal would result in the net addition of one residential unit which would provide a small contribution to the Borough's housing supply and accordingly weighs in support of the application. Taking into account all matters, it is considered the conversion of the public house to residential use in the form of two flats would, on balance, be acceptable in terms of the principle of development. In respect of principle the proposal is therefore considered compliant with Policy CS02 and CS10 (LPCS) and saved Policy H5 (LPFR).

Design, Character and Appearance

The proposal involves minor external alterations in respect of:

Front (south) elevation

No changes.

East side elevation

There would be a new window installed at ground floor level to serve a study which would match the appearance of the windows at first floor; and

The existing garage and single door to the yard area would be removed, the area infilled and a single gate proposed to serve the amenity spaces for both flats.

Rear north elevation

The door to the kitchen would be filled in;

The window to the kitchen would be changed into a door to serve as access between the lobby of flat 2 and its external amenity area;

The window serving the gents would be changed into a door to serve as access between the kitchen/lounge/diner of flat 1 and its external amenity area; and

The door to an unknown room would be changed into a window to serve the kitchen/lounge/diner of flat 1.

The external changes would be minor in respect of new/altered windows or doors which are considered to be sympathetic to the character of the building. The proposal would have no harmful impact on the character and appearance of the building or the streetscene and in respect of design, character and appearance the proposal is therefore considered compliant with Policy CS19 (LPCS).

Amenity of Future Occupiers

Flat Sizes & Amenity Space

	Internal Floor Area	Technical Housing Standards (THS) (2015) minimum standard (Sq. m)	Does it meet the THS minimum standard?
Flat 1 (Ground Floor – 2 Bed, 4 Person, 1 Storey Dwelling)	84	70	Yes
Flat 2 (First Floor – 2 Bed, 4 Person, 1 Storey Dwelling)	77	70	Yes

As can be seen from the above table both flats exceed the minimum internal space standards as set out in the THS (2015).

The bedrooms in flat 1 would be 11.5 sq. m and 12.7 sq. m. The bedrooms in flat 2 would be 13.9 sq. m and 15.5 sq. m. All flats would therefore meet or exceed the minimum size for a double bedroom as set out in the THS (2015) which is 11.5 sq. m. In flat 1, a study is also proposed which has the potential to be used as a bedroom by future occupiers. This has an internal measurement of 7.2 sq. m and therefore does not therefore meet the minimum internal floor area for a single bedroom as set out in the THS (2015). Should permission be forthcoming it would not be able to be used as such and would only be able to be used as a study as per the plans.

There is private amenity space proposed for both flat 1 and flat 2 in the existing yard area of the pub. SPG2 (2020) states that 10 sq. m of amenity space should be provided for a flat. The amenity space for flat 1 would be 13.4 sq. m and for flat 2 it would be 8.1 sq. m. The amenity space for flat 1 therefore exceeds the minimum requirement. However, the amenity space for flat 2 does not however, given it is only 2 sq. m under which is not an overly significant amount and the site is close to other public parks such as Dashwood Open Space and Woodlands Park this slight undersized nature of the amenity space is not considered particularly harmful to the future occupiers of flat 2.

Sunlight/Daylight/Outlook

Flat 1 – The two double bedrooms would have a window each serving them and so would achieve sufficient sunlight, daylight and outlook. The kitchen/lounge/diner would be served by two windows but these would be in the rear elevation only. The natural sunlight/daylight to the more inner part of this flat would therefore be more limited however, with two windows (and there is a rear door also to the amenity area) it is considered this room would still achieve sufficient natural sunlight and daylight on balance. The bathroom would have no windows but as a bathroom and being a non-habitable room this is considered acceptable. All rooms would have sufficient outlook.

Flat 2 – The two double bedrooms and the kitchen/lounge/diner would have two windows serving them, the bathroom would have one. As above, due to the size of the kitchen/lounge/diner the inner part of this room would receive more limited light than the part nearest the windows but with two windows it is considered it would have sufficient light and outlook also. All rooms would have sufficient outlook.

Privacy

To the rear of the site are two storey blocks of flats in Clifton Grove. The distance from the rear of the application building to the rear of the flats in Clifton Grove would range in depth from 10.2m – 10.5m at ground floor and 12m at first floor - there is an approx. 2.7m high boundary wall along the rear boundary of the site, therefore there would be no issues regarding overlooking at ground floor level. Although the 12m at first floor level is below the 21m as stated for between habitable rooms, it is noted there is already a window serving a bedroom at first floor level therefore, the proposal to have windows serving a

kitchen/lounge/diner instead (another habitable room) would not give rise to any additional overlooking than can already currently take place. It is therefore considered future occupiers of both flats would receive sufficient privacy. On all other elevations, there are no other windows in close to any neighbouring properties to warrant any issues with overlooking to future occupiers of the flats.

In summary, although the amount of natural sunlight and daylight that the inner parts of the kitchen/lounge/diners of each flat would receive would be more limited than the parts of those rooms nearest the windows, it is considered on balance that this would not be to a level that would cause any material harm to their amenity and living conditions. The room sizes are all acceptable and amenity space is on balance also considered acceptable; future occupiers would also receive sufficient privacy. In respect of the amenity of future occupiers the proposal is therefore considered compliant with Policy CS19 (LPCS).

Neighbouring Amenity

The proposal would result in the building changing from a pub at ground floor with residential accommodation above to two separate flats. To the rear of the site are two storey blocks of flats in Clifton Grove. The distance from the rear of the application site building to the rear of the Clifton Grove flats would range in depth from 10.2m – 10.5m at ground floor level and 12m at first floor level. In the application building at ground floor level the openings would serve the kitchen/lounge/diner to flat 1 and the entrance lobby to flat 2. Given there is an approx. 2.7m high boundary wall along the northern boundary of the site, there would be no issues regarding overlooking to the flats to the north in Clifton Road. At first floor level the openings would serve the kitchen/lounge/diner to flat 2. In respect of the existing layout this window already serves a bedroom for the accommodation above the flat and as such there would therefore not be any additional harm caused as the kitchen/lounge/diner is also a habitable room as is the existing bedroom.

In terms of the new window in the east flank elevation this would not cause any impact on any neighbouring properties given the distance to the nearest property is some 29m. The altered windows and doors in the rear north elevation at ground floor level would not cause any impact on any neighbouring properties for the reasons as given above i.e. – the approx. 2.7m boundary wall along the northern boundary,

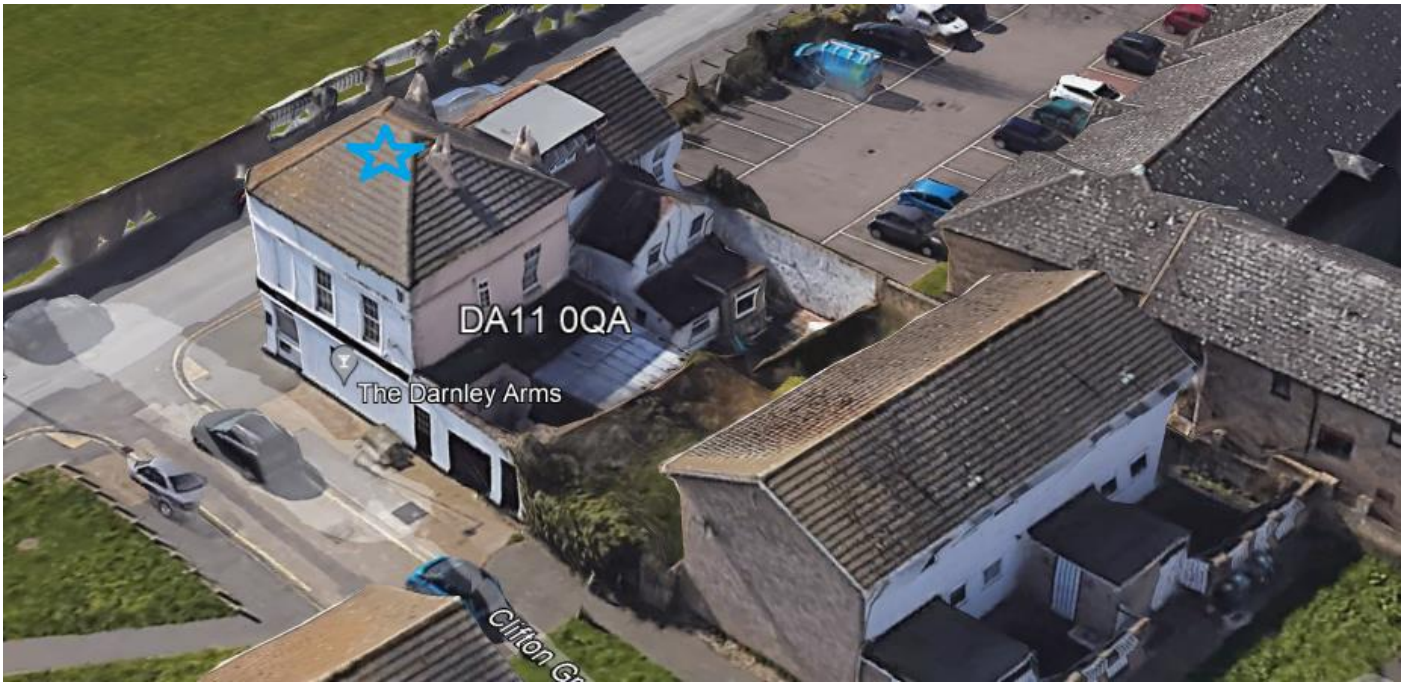
Comments have been raised as a result of the publicity given on the application in respect of the proposed amenity space having views into a neighbouring property's courtyard due to the land level of the site being at least 2ft higher than their property. The amenity space for flat no. 1 and for flat no. 2 would be in the existing yard area of the pub. There are already existing boundary walls on all boundaries of the yard area as seen in the below views of the site:



View from the west



View from the north-west

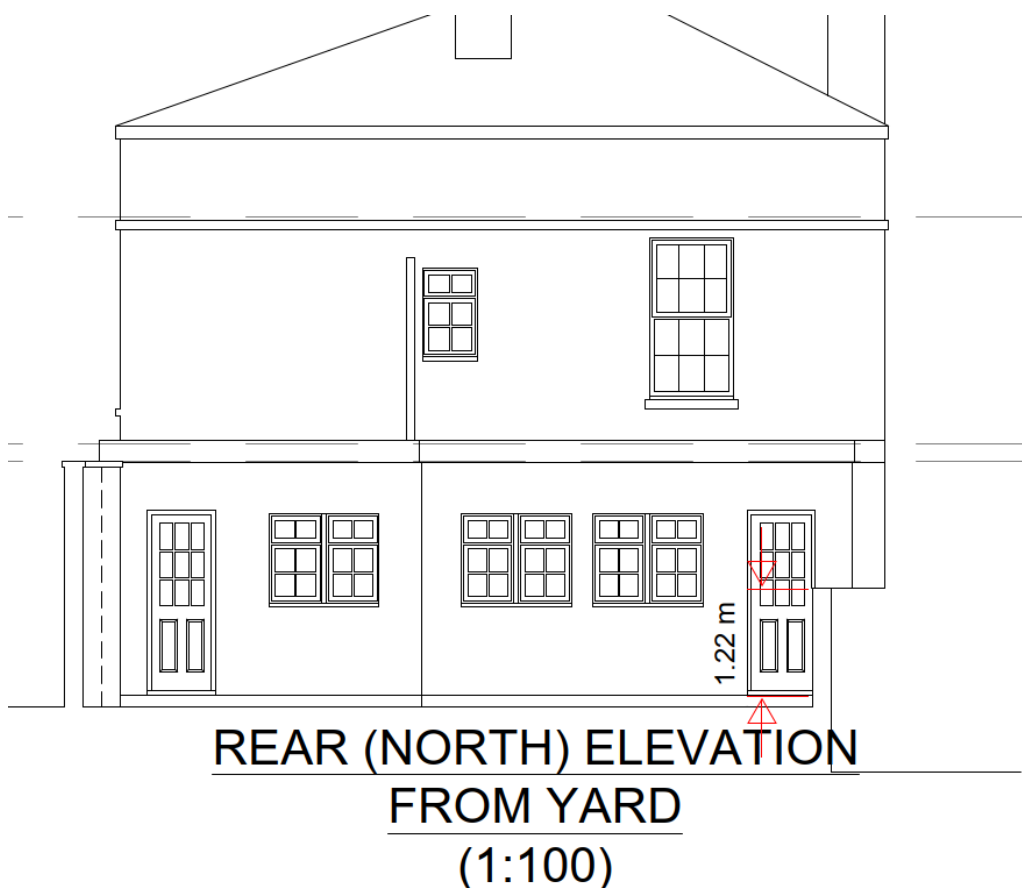


View from the north-east



View from the east

It can be seen that on the northern rear boundary there is a wall approx. 2.7m or greater in height. which is considered acceptable to provide sufficient privacy. On the east side elevation the wall forming the entrance to the existing yard is also approx. 2.7m in height. On the western boundary there is a boundary wall which appears to measure some 1.2m in height from the ground level in the application site. The western wall of the garage which is built up against the wall provides some greater height above it:



With the removal of the existing garage in the rear yard which is built up against this wall and is several metres greater in height than it, views over the top of the wall from the amenity space for flat no. 1 into the neighbouring dwelling to the east no. 1 Salam Villas would be possible when someone is standing in the amenity space. It is considered that this issue alone would not mean the conversion of the building to two flats would be unacceptable and that this could be mitigated in some way by installing a form of boundary treatment inside of the wall (e.g., a scheme for privacy screening) to a necessary height to provide sufficient privacy to the neighbouring property. Should permission be forthcoming therefore, it is considered a condition could be added to mitigate any overlooking to ensure privacy for the neighbouring property to the east no. 1 Salam Villas.

In terms of any potential noise and disturbance issues etc. it is considered that the use of the property as two flats would be likely to lead to less noise and disturbance than can come from a public house etc. Concerns have been raised by a neighbour in respect of the proposed kitchen/lounge/diner of flat 2 being up against their bedrooms. Currently there are all bedrooms at first floor level apart from a bathroom and store. Environmental Protection have not raised any concerns with regards to this matter. The applicant would be subject to the Building Regulations in respect of Approved Document E: resistance to the passage of sound. Principally as stated, the proposed use as two flats is considered to be a benefit in terms of noise reduction when compared to the use of the building as a pub. It is considered overall there would be less noise impact from the proposed flats in comparison to this previous use.

It is proposed to separate the existing cellar from the rest of the building and use it for general storage purposes by the landlord, accessed through the cellar flaps and with a new staircase installed. Subject to condition to ensure this is only used for general storage purposes and not used for any trade or business this is considered acceptable. Concerns have been raised by a neighbour in respect of this as due to the constant use when the property was a public house, any heavy usage of the trap doors and cellar led to shaking of their property. In this respect no concerns have been raised by Environmental Protection in respect of noise or disturbance. It is likely that the doors would be used much less frequently than when the pub was in use and receiving deliveries etc and there would therefore be less impact. Overall, it is considered there is not sufficient basis that there would be any material harm caused to the amenity of the neighbouring properties with regards noise and disturbance.

Subject to conditions it is considered that the amenity of neighbouring properties would be protected and in this regard the proposal would be compliant with Policy CS19 (LPCS).

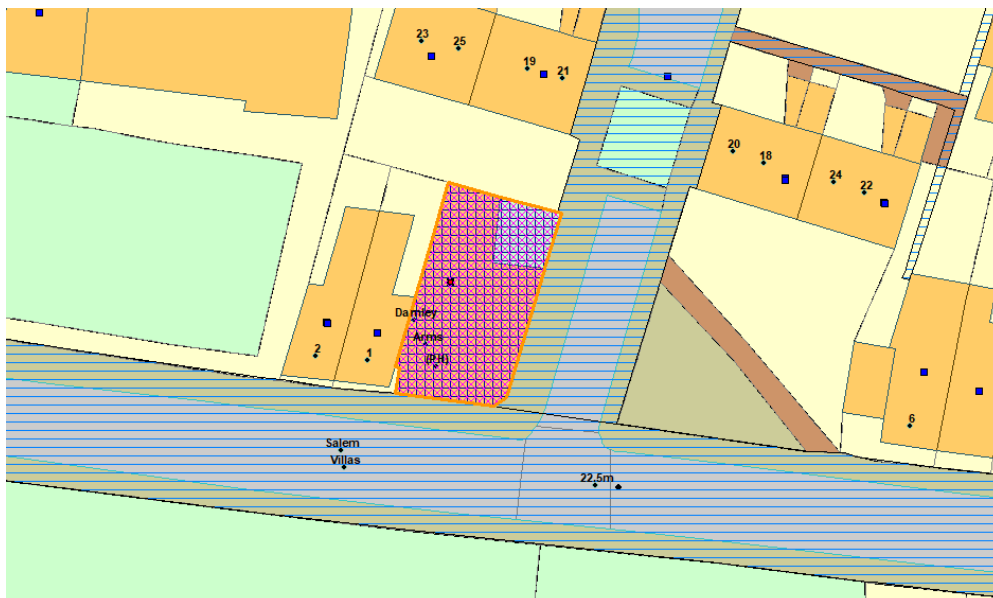
Parking and Highway Safety

The application site does not provide any off-street parking however, the Highways Officer confirms that the proposed use as two flats would lead to less parking demand than the public house use and therefore no objections are raised in this regard. Comments are made regarding improving the cycle store so that one would not have to potentially lift their cycle over their neighbours cycle but cycle storage is provided and it is considered this is sufficient enough as it is. Should permission be forthcoming full details of the cycle storage could be conditioned. In respect of parking and highway safety the proposal is therefore considered compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

A comment was raised concerning the red line plan and where the pavement lies, due to the location of the street light, and also due to the area having picnic benches previously and being used as outside space for the public house;



For clarity, the highway boundary has been double checked and the area in question does not form part of the ownership of the Public House. It is highway land, despite previously being used for picnic benches;



Ecology and Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of one unit and the applicant has paid the required tariff (£314.05). The Local Planning Authority can therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, in respect of ecology and biodiversity the proposal is compliant with Paragraphs 180 and 181 of the NPPF (2021) and Policy CS12 (LPCS).

Other

Bin storage

Bin storage is shown to be proposed in the rear yard area. Subject to conditioning full details (should permission be forthcoming) the proposal would therefore provide sufficient provision for the storage of bins in between collections and which would have easy access to and from the pavement on bin days. In respect of bin storage the proposal is therefore considered compliant with Policy CS19 (LPCS).

Any Other Material Planning Considerations

Comments have been made as a result of the publicity with regards a number of maintenance and security issues in terms of the condition of the application site buildings and boundary walls etc however, these would be civil issues between both the owner of the site and the owner of the relevant neighbouring

properties and are not material planning considerations.

Conclusion & Recommendation

The proposal subject to conditions would be acceptable in respect of the principle of development, design, character and appearance, future and neighbouring amenity, parking and highway safety, ecology and biodiversity and bin storage. It is therefore compliant with local and national planning policy.

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	31 st July 2023	Dated:	31 July 2023