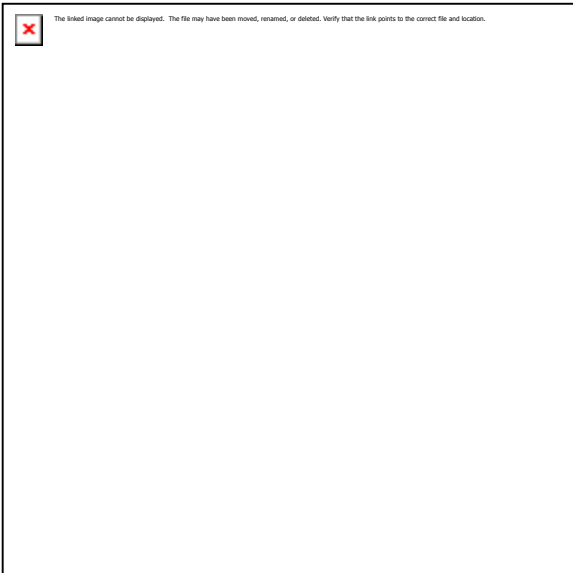




Delegated Report

Householder Planning Application

Planning Application No: 20220622

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: 15th August 2022

Submitted Documents/Plans

- Application Form
- Drawing No: EC/A3/01 (Proposed Ground Floor Plans)
- Drawing No: EC/A3/02 (Proposed First Floor Plans)
- Drawing No: EC/A3/03 (Proposed Second Floor Plans)
- Drawing No: EC/A3/04 (Existing/Proposed Block Plans)
- Drawing No: EC/A3/05 (Existing Floor Plans)
- Drawing No: EC/A3/06 (Existing Front & Side Elevations)
- Drawing No: EC/A3/07 (Existing Rear Elevation and Site Location Map)
- Drawing No: EC/A3/08 (Proposed Front and Side Elevations)
- Drawing No: EC/A3/09 (Proposed Rear Elevation)
- Design and Access Statement (Supplementary Information)

Relevant Planning History

No relevant planning history.

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

Waste Management

The proposed development does not meet our current refuse & recycling requirements for capacity and waste types which are stated below;

- *Refuse - 1 x 1,100ltr bin per 6 flats*
- *Recycling – 1 x 1,100ltr bin per 6 flats with special recycling lid*
- *Food Waste – 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat*

These requirements allow us to operate a fortnightly collection which is standard across the borough.

If they want 660ltr bins then they would require four plus the food waste.

If we are moving the bins through the gateway then we will not accept any damage to the building or

structures as it looks a tight fit, we will also not accept responsibility if the bins do not fit through gateway.

KCC - Highways & Transportation

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I am satisfied that the current proposals, for 6 x 1 bed units, will not generate a material increase in vehicle numbers above those already associated with the extant use of the site. There are parking restrictions on the roads around the immediate vicinity and there is access to public transport, with bus stops located within walking distance.

I am pleased to note that one cycle space is proposed per unit, which is in line with IGN3 parking standards. Any cycle storage will need to be covered and secure.

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

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.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of [its conservation objectives](#).

Page 1 of 2

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

Ebbfleet Development Corporation

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, with a further revised application currently under review which includes an extra dwelling from the extant permission. When assessing this application please have regard for the future occupiers of the adjacent site.

Below is more information regarding the two applications 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 May 2020 (EDC/19/0145), following a resolution to grant permission (subject to conditions) at EDC Planning Committee on 22nd April 2020, for the following:

Application for the development of a three-story residential accommodation building, providing 6 apartments (Four of 2-bedroom flats and Two one-bedroom flats).

The development, currently under construction, comprises 6 residential units each with private balconies with a ground floor shared entrance, 7no. parking spaces, and communal gardens both at ground floor and at roof level.

A revised application to the extant permission above has been submitted and is currently under consideration. The new application (EDC/21/0209) is for an additional residential unit at roof level (total of 7 apartments) and minor alterations including changes to the communal gardens at ground and roof level and reinstatement of a footway adjacent to the development.

Neighbouring properties

The application was advertised by way of site notice and letters to 38 surrounding properties. The consultation period expired on 11th July 2022 and five objections were raised.

The main points raised in the objections were:

- Impact on parking and subsequent impact on pedestrian safety
- Structural damage to an adjoining wall
- Structural changes may impact adjoining property
- Who is liable for damage in the long term to an adjoining property
- Scheme doesn't provide sufficient amenity space
- Over development of the site
- Building is over 100 years old and should be listed or preserved for the public
- Public house was in use until 2022 not 2019 as per details given in submission and so false information submitted in application
- Council have rejected complainants planning application and practice double standards
- Application EDC /21/0209 was refused but provided more amenity space and parking

Many of the comments are considered to be non material planning objections and so they would not be taken into consideration as part of the decision making process however should permission be forthcoming an informative would be included which would refer the applicant to building regulations consent and the party wall act.

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:

- 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.*

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 there policies.

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. 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.

Procedural Issues

The proposed description states the proposal is for *Conversion of existing public house to 3no studio flats and 3 no 1 bedroom flats*. However it is clear from the proposed plans the proposal intends to remove the all three chimney breasts of which the one on the eastern flank contributes positively to the character of the building. This removal is significant and should be listed within the description.



The description also does not make reference to the installation of the additional fenestration which is significant in this case as it will be highly visible from the street and impact the character of the building.

The agent has since sent revised plans which show the retention of one of the chimneys, however the eastern flank chimney is shown as removed on the plans. The agent also agreed to a change in the description however this was not accepted due to the original plans being the basis of the decision.

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 set within a predominantly residential area. 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 Embarkment and Swanscombe Peninsula East Opportunity Area to the east.

The public house has been vacant for approximately 2 years. The upper floors 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 principle pub façade as being retained, this is contributes towards the buildings attractiveness. The exterior walls will be finished with a one coat render and the drawings appear to show the window frames will be of a lighter colour to the render, should permission be forthcoming then clarity will be sought on the colour finishings.

The proposed removal of the chimneys, namely the one on the eastern elevation which is considered a design feature is harmful to the character of the building as such a feature contributes positively to the design. Removal of this chimney will erode the character of the original building and whilst it will no longer serve as a public house, it should still retain features of its historic use and the chimney is considered to be one of these.

The fenestration in the principle elevation is maintained, however the windows in the eastern flank will see a reduction in size and an increase to the amount of windows. The windows in the flank elevation will look odd in comparison to the front elevation as they are of a different scale, whilst the windows are on the side, this side of the pub is visually prominent.

Due to the prominence of the building, any proposed fenestration should follow the existing size and pattern. The proposal will maintain the windows in the principle elevation which is considered to be positive, however the eastern flank will see the existing false window openings removed and two smaller windows installed. These windows do not respect the existing scale of the windows, and they are inappropriately positioned meaning they are not aligned. This unbalances the property and detrimentally harms the existing character and appearance of the development.



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 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 which states: design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The proposal also fails to comply with Section 12 of the National Planning Policy Framework (2021) which sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is key to sustainable development and creating better places to live and work. Development that is not well designed should be refused.

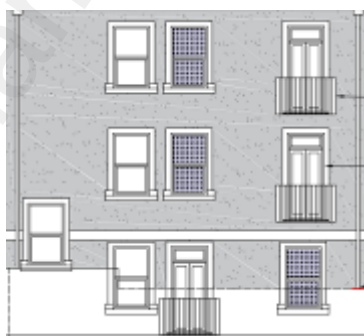
Amenity of Future Occupiers

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 bedroom sizes and storage are below the preferred standard.

	Actual Floor Area	National Standard	Actual Built In Storage	National Standard	Actual Bedroom Size	National Standard
Flat 1 (1b, 2p)	38sqm	Minimum 50sqm	1.1sqm	1.5	11.54sqm	11.5sqm
Studio Flat 1 (1b, 1p)	58sqm	Minimum 37sqm (with shower)	0.9sqm	1.0		
Flat 2 (1b, 2p)	54sqm	Minimum 50sqm	0.8sqm	1.5	11.1sqm	11.5sqm
Studio Flat 2 (1b, 1p)	38sqm	Minimum 37sqm (with shower)	0.8sqm	1.0		
Flat 3 (1b, 2p)	54sqm	Minimum 50sqm	0.85sqm	1.5	11.2sqm	11.5sqm
Studio Flat 3 (1b, 1p)	38sqm	Minimum 37sqm (with shower)	0.8sqm	1.0		

The windows serving the shower rooms and bathrooms will be obscure glazed and maintain occupant privacy however, it has not been made clear how these windows will open, should permission be forthcoming a condition would be imposed to ensure the window openings are top hung and non openable 1.7m from the internal floor level.



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 it is evident that this cannot be achieved at ground floor level, there is scope for a communal garden area by way of a roof terrace in this instance.

There proposed bedrooms windows to the ground floor are served by a window and a Juliet balcony which directly face the rear boundary wall and walkway to the bin and cycle store. Whilst the boundary wall will be reduced in height to improve light levels, there will still be a higher section which will be in closer proximity to the studio which may still have an impact. It is considered that the outlook from the bedroom windows is not positive and would be detrimental to the occupants of the property. In terms of light levels 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 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.

The privacy of the ground floor units would also be compromised by the footfall from the walkway as it would lead to the bike and bin storage area, the proposed Juliet balcony would not be useable for this reason. Even if the balcony was restored to a window it would still have a detrimental impact on the occupiers, furthermore, opening the windows would also give rise to odours which may emanate from the bin store. This is not acceptable and would significantly reduce the living standards for the occupiers of these flats.

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 at ground floor level, however there are no such windows shown on the rear elevation which serve the bedrooms and so the proposal fails to provide appropriate noise mitigation for the future occupants and will subsequently impact on their quality of life.

In the light of the above, the proposed development will fail to provide adequate living accommodation for future residents in terms of bedroom space and storage and also fails to provide any private amenity space for future occupants. The proposal will also adversely impact on the privacy of the occupants due to the rear bedroom windows adjoining the narrow bin and bike store access. The access to the bin store is also not compliant with the Council's standards 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.

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 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.

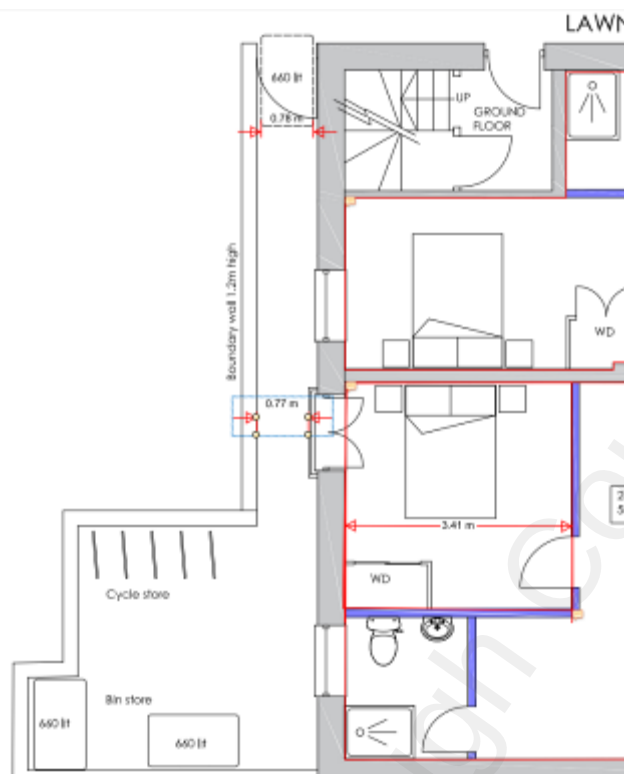
Highways

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

Refuse storage is shown on the proposal however this does not meet the Council's minimum standards which require a minimum of four 660 litre bins plus a food waste bin, so the proposal fails to comply with the required standards.

There is also concern relating to the width of the access to the walkway which may impact waste removal from the site. The proposed plans show how a bin is positioned near the exit of the walkway, however it would appear that consideration has not been given to the protruding Juliet balcony. As can be seen from the below plans, there is a very small margin for the bin to be able to pass the balcony. SPG2 Residential Layout Guidelines states that "Refuse containers should be readily accessible for collection" it is considered that the proposal fails to provide this due to the limited width of the access.



It should be noted that under its previous use as a Public House, the rear access way was used for bin storage and refuse collections would have been made from this area using bins of a similar size, so it may be possible to get a bin through the access without the projection from the juliet balcony.

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 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. There proposed bedroom and storage spaces fall below the minimum standards and the proposal will also result in poor outlook which is liable 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.

Therefore the proposal is recommended for refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	22 nd September 2022	Dated:	30 th September 2022