

Alterations to form W.C.'s.

TM/64/10723/OLD grant with conditions 16 January 1964

An illuminated Cockerel Sign.

TM/85/10618/FUL grant with conditions 19 March 1985

Front porch and single storey rear extension to extend toilets and domestic lounge.

TM/85/11377/FUL grant with conditions 27 June 1985

Substitute door for window on rear elevation.

TM/92/10573/OLD planning application not required 30 July 1992

Section 64 Determination: Internal alterations to provide restaurant, toilet facilities and staircase.

5. Consultees:

- 5.1 PC: The PC object to the application in respect of the parking. The PC has concerns about the associated vehicles that the new dwellings would bring to the village which already has parking difficulties. Although a former public house, this was a pub that villagers would walk to and therefore the pub did not cause a parking problem in the village.
- 5.2 KCC Highway: Whilst the lack of off street parking is not ideal, the parking demand for the residential use of the site is likely to be less than that which could be generated by the previous use of the site. In view of this I do not wish to raise objection.
- 5.3 Private Reps: 7/2S/1X/2R + Site Notice.

2 letters of support make the following comments:

- The pub is in a state of disrepair, dilapidated and a blot on the landscape. Strongly support the application - the proposal looks promising and would restore the building to an ascetically acceptable state.
- The village has parking problems but considering many of the customers would drive to the pub I don't imagine the additional vehicles would exceed that of the original pub and therefore present an issue.

1 letter of general support but commenting on sound insulation and party wall issues.

2 letters of objection make the following comments:

- The new vehicles would add to the congestion on this crowded road which is also a bus route. This will be made worse by the new bus routes associated with the Peters Pit development. The application would lead to potentially another 7 vehicles struggling to park on the overcrowded High Street.
- The proposed use will not create less cars than the previous use as people visiting the pub came and went home by taxi therefore not needing to park or lived within the village and walked to the pub. The letting rooms were rarely used.
- The new rear extensions would remove natural light from the neighbouring properties, nos. 70 and 72.
- Proper parking bays could be put in the road and the land to the rear made into parking spaces for the residents of the High Street.
- There would be nowhere for the skips to be left, this would make parking more difficult, and how long would construction take.

6. Determining Issues:

- 6.1 One of the core planning principles enshrined in paragraph 17 of the NPPF seeks to support the transition to a low carbon future. This involves the reuse of existing resources and includes the conversion of existing buildings. The application seeks to convert an existing disused building and therefore, in principle, accords with paragraph 17 of the NPPF. The aim of paragraph 17 of the NPPF is echoed in Policy CP1 of the TMBCS. Paragraph 6 promotes the redevelopment of previously developed land within those urban and rural settlements where a reasonable range of services is available.
- 6.2 Paragraph 23 states that LPAs should recognise that residential development can play an important role in ensuring the vitality of centres and such development should be encouraged on appropriate sites. The NPPF also seeks to encourage delivery of a wide choice of high quality homes (section 6) and at paragraph 51 states that LPAs should identify and bring back into use empty housing and buildings unless there are strong economic reasons for not doing so.
- 6.3 The conversion of a public house to a residential use can potentially result in the loss of a community facility. I am aware of paragraph 28 of the NPPF which seeks to retain local services and community facilities in villages and specifically refers to pubs. In addition Policy CP26 of the TMBCS seeks to ensure that proposals which would result in the loss of premises last used for the provision of community services, or recreation, leisure or cultural facilities will only be permitted if alternative facilities are available. The Foresters Arms has not been trading as a public house for a number of years. Two other public houses are located within

Wouldham: The Waterman's Arms and The Medway Inn. I do not therefore consider the loss of this former public house to have an unacceptable impact on the social and economic health of the wider village.

- 6.4 With these policies in mind, and given that the site lies within the rural settlement confines of Wouldham, I consider that there is no objection in principle to the proposed development.
- 6.5 The application must also be determined with regard to Policy CP24 of the TMBCS which seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is echoed in paragraph 58 of the NPPF which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.
- 6.6 The proposed external works to the front façade will improve the overall appearance of the building. The additional first and second storey windows will add greater symmetry and the redevelopment of the building in general will improve the overall appearance of the High Street. This is to be welcomed.
- 6.7 The proposed external works to the rear façade comprise the demolition of the existing flat roof single storey rear extensions housing the former kitchen and lavatories. The replacement rear extensions are also flat roof and single storey, to a height of 3m. This will improve the visual appearance of the building. It is noted that the works also involve small conservatories abutting both site boundaries: however the size and design of these structures will ensure no unacceptable impact on levels of adjacent residential amenity.
- 6.8 It is also necessary to consider the application in the context of Policy SQ8 of the MDEDPD. Section 2 of this policy permits development only where it would not significantly harm highway safety.
- 6.9 It is acknowledged that many of the dwellings on the High Street do not benefit from off street parking. It is also noted that the High Street forms part of a bus route which, on occasions, can lead to localised congestion. The creation of three dwellings is likely to generate vehicle movement; however this must be balanced against the vehicle movements associated with the previous use of the site as a public house. KCC KHS acknowledges that the absence of off street parking is not ideal however raises no objection to the application as the parking demand for the residential use of the site is likely to be less than that which could be generated by the previous use of the site. The parking requirement recommended by IGN3 for the proposal is 5 parking spaces whereas the parking requirement recommended by IGN4 for a public house is 1 space per 2 staff members and 1 space per 10 sqm. Calculated on the former public area of the public house alone this would equate to a minimum of 11 spaces. On this basis the application is unlikely to cause significant harm to highway safety and therefore accords with Policy SQ8.

- 6.10 One objector makes reference to a proposal to create vehicle parking to the rear of the High Street. This relates to a scheme to change the use of part of the existing recreation ground to form a new vehicular access road to serve the rear of properties nos. 20 – 98 High Street. Planning permission was originally granted in 1985 and renewed in 1990, 2009 and 2012. This does not form part of the current application and is for Members' background information only.
- 6.11 Representation has been received from the attached neighbour. General support is offered for the proposal however issues relating to hours of construction, sound insulation and other party wall issues are raised. The hours of construction are beyond the scope of the planning system: however a planning informative can be attached to remind the applicant of the desirability of good neighbourliness. The levels of internal sound insulation fall within the Building Control regime. The conversion will need to ensure suitable levels of noise/sound insulation between the units: both the horizontal and vertical relationships, and between the proposed and existing dwellings. The applicant can also be reminded of the need to comply with the Party Wall Act by informative.
- 6.12 The rear garden appears to have been used as a 'pub garden' for many years. To ensure the site poses no risk from any unexpected pollutants, in accordance with paragraph 120 of the NPPF, a suitable planning condition is recommended to provide soils samples prior to development to identify any possible contaminants.
- 6.13 In light of the above assessment, the application accords with the requirements of the NPPF, Policies CP1 and CP24 of the TMBCS and Policy SQ8 of the MDEDPD. I therefore conclude that the proposal is acceptable subject to the imposition of the following planning conditions.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:

Design and Access Statement dated 04.08.2014, Site Plan 419/PL/01 dated 04.08.2014, Existing Floor Plans 419/PL/02 dated 04.08.2014, Proposed Floor Plans 419/PL/03 dated 04.08.2014, Existing Floor Plans 419/PL/04 dated 04.08.2014, Proposed Floor Plans 419/PL/05 dated 04.08.2014, Existing Floor Plans 419/PL/06 dated 04.08.2014, Proposed Floor Plans 419/PL/07 dated 04.08.2014, Existing Elevations 419/PL/08 dated 04.08.2014, Proposed Elevations 419/PL/09 dated 04.08.2014, Existing Elevations 419/PL/10 dated 04.08.2014, Proposed Elevations 419/PL/11 dated 04.08.2014, Section 419/PL/12 dated 04.08.2014, Proposed Elevations 419/PL/13 dated 04.08.2014 subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No external alterations shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality, in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

3. No ground works shall commence until
 - (a) a soil chemical analysis is provided to verify soils in the residential garden area are suitable for the proposed end use.
 - (b) should the results indicate an unacceptable level of contamination, a remediation strategy shall be submitted to and agreed with the Local Planning Authority and shall thereafter be implemented by the Developer.
 - (c) a closure report shall be submitted by the Developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: To prevent unacceptable risks from pollution in accordance with paragraph 120 of the National Planning Policy Framework 2012.

Informatives

1. The applicant is reminded that the existing building may contain asbestos and therefore advice should be sought from the Health and Safety Executive regarding its safe removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator
2. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
3. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every respect with those approved under such 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.

4. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
5. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
6. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents.

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