

MC/13/1197

Date Received: 15 May, 2013

Location: 12 New Road Avenue, Chatham, ME4 6BB

Proposal: Change of use from offices (Class B1) to guest house (Class C1)(resubmission of MC/11/1986) and construction of new vehicular crossover

Applicant: Mrs Surinder Kaur

Agent: Mr Ron James The J & R Partnership Stablecroft Whetsted Road Five Oak Green Kent TN12 6SE

Ward River

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 January, 2014.

Recommendation - Approve subject to section 106:

A. A unilateral obligation under S106 to secure a contribution of £2,000 towards the re-provision of on street parking spaces; and

B The imposition of the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:C202/01, 02, 03, 04/A, 05A, 06F, 07, 11, 13, 14, 15, 25, 26, 27, 201D, 202F, 203F & 205C received on 15 May 2013; C202/101E received on 28 October 2013, C202/07.1C and 08A. received on 11 December 2013 and C202/7D received on 7 January 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Before the use hereby permitted is commenced, a scheme of landscaping (hard and soft) for the area to the rear of the building and for the planters at the front, including details of the railings, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting. The scheme as approved by the Local

Planning Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Local Planning Authority. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 4 No development shall commence until an assessment of the air quality at the front and rear facades of the building has been submitted to and approved in writing by the Local Planning Authority. Where the objective levels for Nitrogen Dioxide are not met at the facade of the premises details of a mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority that details a ventilation system that ensures air into the premises meets the approved levels. The approved ventilation system shall be completed prior to the commencement of the use of the building hereby permitted for guest house accommodation and shall be maintained at all times thereafter.

Reason: Reason: To ensure the development does not prejudice conditions of amenity of guests and visitors by reason of unacceptable levels of air quality, in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 5 No development shall commence until an acoustic survey of road traffic noise of at least 24 x 1 hour measurement to include L(A)eq, L(A)10 and L(A) max levels has been submitted to and approved in writing by the Local Planning Authority. The assessment shall predict the internal noise levels in accordance with a rigorous assessment as set out in BS 8233:1999.

Reason: To safeguard the amenities of the occupants of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall commence until a mitigation scheme detailing measures to ensure that the internal noise level in guest house bedrooms is no more than 30dB(A) between 23:00 and 07:00 hours with windows closed has been submitted to and approved in writing by the Local Planning Authority. Where the noise level is in excess of 35dB(A) with windows open details of a whole building mechanical ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first bringing into use of the guest house accommodation. Once the measures are completed a further acoustic survey shall be undertaken to confirm the internal noise levels are met and if not a scheme of further mitigation shall be submitted to and approved in writing by the Local Planning Authority. The

approved details shall be completed prior to the commencement of the guest house use hereby permitted and shall be maintained at all times thereafter.

Reason: To safeguard the amenities of the occupants of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The guest house shall not be brought into use until the car and cycle parking areas shown on drawing number C202/7A have been provided and demarcated and those areas shall be retained for car and cycle parking at all times thereafter.

Reason: To ensure satisfactory on-site parking and to comply with policies BNE2 and T13 of the Medway Local Plan 2003.

- 8 Notwithstanding the details shown on drawing C2002/7A, the Guest House shall not be brought into use until details of the refuse storage arrangements, including the provision for recyclable materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans prior to the bringing into use of the Guest House and shall be retained at all times thereafter.

Reason: To ensure satisfactory provision for refuse.

- 9 The occupation of the hotel shall be restricted to a maximum of 27 persons.

Reason: in the interests of the amenity of the prospective occupiers and of the area in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The operator of the hotel shall at all times maintain a register of persons accommodated in the Guest House accommodation and such register shall be produced for inspection by the Local Planning Authority on written request. No persons (other than persons solely or mainly employed at the guest house) shall be accommodated at the Guest House for more than 30 nights in any calendar year.

Reason: In the interests of the amenities of prospective occupiers and of the area and to ensure the proposal operates as a Guest House.

- 11 Deliveries, refuse collection and any other commercial servicing activity shall only take place between 07:00 and 19:00 Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays. Such activities shall only take place at the rear of the premises from Gundulph Road.

Reason: In the interests of the amenities of guests and to comply with Policy BNE2 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the use hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted to and approved in

writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 5dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS 4142:1997. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report

Proposal

This application is for a change of use of the building and premises from offices (B1) to guest house (C1) and is a re-submission of application MC/11/1986 which was refused on 12 February 2013.

The proposed accommodation would provide 18 bedrooms for the guest house comprising 7 single bedrooms, 6 twin bedrooms and 5 double bedrooms. This is a net loss of two bedrooms from the previously refused scheme.

Level (Lower Basement Floor)

- 1 Internal stairs and entrance, lobby, intake cupboard, landlords store, kitchen, living area. External entrance hall, shower room including toilets and two double bedrooms. (No change from previous submission).

Level (Basement Floor)

- 2 Two sets of internal stairs (one down to manager's flat and the other to upper floors), stores, kitchen, dining area, ladies' and gents' toilets, and a twin bedroom with shower room. The changes from the previous scheme are the replacement of a laundry and drying area with stores and the introduction of a gents' toilet.

Level (Ground Floor)

- 3 Main entrance Lobby, internal stairs, separate WC, office room, 2 single bedrooms, one double bedroom with en-suite shower room and 2 twin bedrooms with en-suite shower rooms. A revised plan has been received showing disabled access to two double bedrooms with floor areas of 19.62 sq.m. and 26.4 sq.m. respectively.

Level (First Floor)

- 4 Internal stairs, separate WC, 2 single bedrooms, one double bedroom and 2 twin bedrooms all with en-suite shower rooms. The changes from the previous scheme are the removal of w c, gents' toilets, shower and drying area and replacement with en-suite facilities for all bedrooms

Level (Second Floor)

5 Internal stairs, two single bedrooms and 2 twin bedrooms and one double bedroom all with en-suite shower rooms. The changes from the previous scheme are the removal of ladies toilets, shower and drying area and replacement with en-suite facilities for all bedrooms and the loss of one bedroom.

The Guest House rooms will be let to those who visit Medway for business and leisure purposes.

The proposed kitchen will not serve hot food, so no additional extractor fans will be required.

There will be two full time and two part time members of staff.

No external construction will be undertaken to the front or side elevations and only minimal to the rear elevation. The works to the rear elevation will consist of:

- Existing flat roof requires renewing.
- The existing large skylights are to be removed and new small roof lights to be installed to provide light and ventilation to none habitable rooms.
- Existing windows to the rear elevation are to be altered to comply with current building regulations by omitting one section of the window and infilling with brickwork.

Access will remain as existing from New Road Avenue at the front and Gundulph Road at the rear. The rear access is gated.

There would be provision for four car parking spaces (including two for disabled persons use) within the front forecourt and nine car parking spaces in the rear car park with access from Gundulph Road. Motor cycle and cycle parking will also be provided at the rear.

Refuse bins will be provided in the rear garden with access from Gundulph Road.

Relevant Planning History

MC/11/1986	Change of use from offices (B1) to guesthouse (C1) Refused 12 February, 2013
NK1/68/170	New office front, single storey office and alterations Approved 11 October, 1968

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Three letters have been received raising the following objections:

- There are only 14 parking spaces for 18 rooms;
- The dropped kerb would result in the loss of three on street parking spaces;
- The rear parking area can only hold six cars;
- There is no parking for vans or commercial vehicles;
- No need for more hotels in Chatham;
- Proposal not in keeping with adjoining properties;
- Guest house will not be managed 24 hours;
- Guest house is a misrepresentation;
- There are no disabled facilities;
- The front of the building is an eyesore;
- Concerns about crime;
- Concerns that building could be used as bedsits.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

The building was last used as an office. The original Victorian part was occupied originally as a house. The two-storey side extension was built during 1970s. The two elements are linked by a common staircase and both sections have access to the staircase at each floor level. The building is on a sloping site with three floors showing at the front, New Road Avenue, level and five floors to the rear facing Gundulph Road. The land also has frontage onto Gundulph Road with provision for a number of car parking spaces and refuse storage.

A previous application for a change of use to a guest house (MC/11/1986) was refused on 12 February 2013 on the grounds that:

“The development by virtue of poor internal communal space, small size of single bedrooms and lack of both sexes toilet and bath/shower room facilities on every floor and/or in every room would create a cramped environment and a poor level of amenity for the future occupiers of this guesthouse contrary to the provisions of policy BNE2 of the Medway Local Plan 2003.”

Main Issues

Having regard to the provisions of the Development Plan, it is considered that the main issues arising from the proposal are as follows:

- Principle of loss of office use.
- Design and impact upon the street scene.
- The impact on amenities.
- Highway and car parking issues.

It is also necessary to assess how the current application overcomes the grounds of refusal to the previous application.

Principle

The application site is within Chatham Town Centre area. Although the current lawful use of the property is office (Class B1) it is not within a designated employment area as shown on the Medway Local Plan.

The adjoining property to the east is in commercial usage (nightclub) and the building to the west is a large property converted into residential flats. There are some office uses along to the east and further to the west is the St Georges Hotel. On the opposite side of New Road is the Victoria Gardens Open Space area.

A study undertaken in 2009 by RGA Ltd stated that there is still a demand for quality hotel accommodation close to Rochester and that over the next 5-10 years there is the potential for an increase of a further 550 bedrooms in the market before market performance in Medway will be jeopardized (this forecast did preclude 5 star hotels and boutique hotels). Over 100 of these hotel bedrooms have already been provided in Medway.

Policy ED14 (Bed and Breakfast Accommodation and Guest Houses) of the Local Plan supports such new accommodation and says in its reasoned justification “*Small scale accommodation such as bed and breakfast establishments and guest houses make an important contribution to the range of tourist accommodation and the number of available bed spaces. The Local Plan seeks to encourage the provision of such accommodation as part of the process of promoting the growth of tourism, subject to proposals having no adverse effect on local amenity. Particular regard will be given to whether the property is located in an area where increased traffic activity would be detrimental to local amenity and whether the property has adequate off-street parking or there are on-street parking spaces available.*”

Based on Policy ED14, it is considered that there is no objection to the principle of change of use from offices to a guesthouse.

Design

Policy BNE1 of the Local Plan sets out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

In view of the fact that the external changes proposed only relate to minor fenestration changes to the rear elevations and re-roofing of the single storey back addition of the building; it is considered that these would not significantly alter the external appearance of the building and would not have detrimental impact on the street scene or character of the area.

In terms of design and appearance the development would comply with Policy BNE1.

Amenity Issues - Noise

The application site is on a heavily trafficked primary distributor road and next to a nightclub. A noise assessment was submitted with the application which shows that a substantial level of protection against noise must be provided. It is considered that the noise issues can be addressed through compliance with the recommended conditions which may require some mitigation. No objection is therefore raised in this regard under Policies BNE2(ii) of the Local Plan.

Amenity issues - Air Quality

The site is also within an Air Quality Management Area (AQMA) and an Air Quality Assessment was submitted with the application. The level of air pollution at the southern facade at ground floor is very close to the objective level for nitrogen dioxide. This means that air quality needs to be considered as a material consideration. An appropriate condition is recommended which will require a full assessment with mitigation proposals that are likely to include a ventilation system. Subject to this condition no objection is raised under Policy BNE24 of the Local Plan.

Other amenity issues

The building is detached from both adjacent properties and it is considered that the use of the building would not cause any harm to the occupiers or users of either property. The use of the property would in theory be no different to the use of the nearby St George Hotel to the west.

When the previously refused application (MC/11/1986) was determined, it was considered that the size of some of the single bedrooms was very small and the layout of floors was considered to be poor due to lack of appropriately located shower and toilet facilities for the bedrooms. The current application has sought to address this issue by the provision of en-suite facilities in most bedrooms and the provision of male and female toilets on level 2 (basement).

The proposed guesthouse would provide access to a large rear garden space. Although this would require to be redesigned in order to ensure the privacy of the occupiers of the basement bedrooms; it would provide satisfactory amenity area for the future occupiers should they require access to an open air area.

In replacing an office use with a residential use (albeit as a guesthouse) in keeping with the use of the adjoining properties (residential and commercial, hotel use), the proposal would have no adverse effect on the character of the locality or amenities of the adjoining occupiers.

Bedroom sizes have been looked at carefully. The rooms in the proposed guest house would range from 7.6 sq. m. to 15.5 sq. m. (single) and 14 sq. m. to 26.4 sq.

m (double). The nearby St George Hotel is reported as having room sizes of 7.2 sq m for a single room and 11.4 sq m for a double room. The rooms sizes proposed would be considerably more generous than at the St. George Hotel. There have been two other hotels approved in Medway recently at 2 High Street, Rainham (MC/2008/1984) and at Medway Valley Park (MC/2008/2039). The approved plans for these hotels show a double room, including en-suite, as being 21 sq. m.

Planning permission for a hotel at 15 - 19 New Road was allowed on appeal on 21 August 2013. In his decision letter the Inspector concluded that the Local Plan encourages the provision of a full range of serviced accommodation and if the proposal went ahead it would find its customer niche within the local hotel market. Whether or not the hotel would prove successful will ultimately be for its customers to decide. It is not the function of the planning system to inhibit competition by restricting commercial development unless there are clear planning objections to a proposal. The Inspector therefore concluded that the proposal would provide an acceptable standard of accommodation for the occupants of the hotel in compliance with Policy BNE2 of the Local Plan and with Paragraph 17 of the National Planning Policy Framework.

There appear to be no specified minimum room sizes for hotels in England, Scotland or Wales. None are specified in DCLG's 'Good Practice Guide on Planning for Tourism' (July 2006) or 'Visit England's Quality Standard for hotels'. However, the Northern Ireland Tourist Board's (NITB) 'Basic Guide to starting a hotel business'. states that visitors bedrooms must have a floor area (excluding any en-suite bathroom) of not less than 7.5 sq. m. for single rooms and not less than 13 sq. m. for double rooms. Although these standards do not apply to hotels in England, in the absence of any standards or guidance on room sizes, they provide useful information. In the case of the current application, all the rooms would meet the NITB's standards.

It is, therefore considered that the room sizes are acceptable and no objection can be raised in this regard under Policies BNE2 and ED14 of the Local Plan.

Highways

The proposal makes provision for off street car parking within the forecourt area for three parking spaces including a disabled space along New Road Avenue, nine car parking spaces to the rear from Gundulph Road and construction of new cross over at New Road Avenue to facilitate access to the front of the property.

The proposal to create parking in the front garden of the property and the associated drop kerb would result in loss of three on street parking spaces in New Road. To find alternative on street car parking spaces, the applicant has agreed to pay the cost of providing these three spaces elsewhere in the locality and this will be secured through a S106 agreement. The applicant has offered a unilateral agreement in this regard.

In light of the above it is considered that the proposal would comply with the Council's car parking standards and policy T13 of Medway Local Plan.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

The application, as submitted, is considered to be acceptable and addresses the concerns raised in the previous refusal. As such the proposal is in accordance with the provisions of Policies ED14, BNE1, BNE2, and T13 of the Local Plan and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing views contrary to the recommendation.

Action since last Committee report

The application was considered by the Committee on 4 December 2013 and was deferred to enable Officers to obtain additional information having regard to the concerns expressed relating to the proposed kitchen not serving hot food, the parking provision, the location of refuse facilities and the impact of the frontage parking

The applicant has submitted a revised drawing removing the parking spaces at the front apart from one disabled space. The disabled space cannot be removed as disabled access to the building can only be achieved at the front. Guests with disabilities would be unable to park at the rear as this would necessitate climbing external steps and internal stairs. Alternatively a disabled person would have to climb Hammond Hill to reach the front. Both of these would be impractical. If there is no disabled parking at the front there is no disabled access to the building. It is submitted that there are several other properties in New Road/New Road Avenue with parking at the front. The revised drawing also shows a planter at the front with 900mm railings. It is recommended that Condition 3 be amended to incorporate landscaping to both the front and the rear, including the railings.

A revised drawing has been submitted showing a flue on the east side elevation to enable hot food to be cooked and served in the kitchen. It is submitted that the dining room will be open for breakfast between 07:00 and 09:00 although this may be adjusted later if required. However, no details of the extraction system which is going to be installed in the kitchen have been submitted and it is recommended that an additional condition be attached to address this.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/donline/AcolNetCGI.gov>