

MC/15/3987

Date Received: 9 November, 2015

Location: The Former Royal Marine Public House, 7 River Street, Brompton, Gillingham, ME7 5RJ

Proposal: Change of use from former public house (use class A4) to house of multiple occupation providing 2 single rooms and 7 double rooms

Applicant: V & C Partnership

Agent: Mr Mineham Ubique Architects Ubique Architects 11 Ashford House Beaufort Court Sir Thomas Longley Road Rochester, Kent ME2 4FA

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 9 March, 2016.

Recommendation - Approval with Conditions Subject to;

A. The applicants signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 towards Designated Habitats Mitigation

B. 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: Drawing numbers 619-200 B, 619-201 A and 619-202 A received on 10 November 2015.

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

3 No development shall take place until details and samples of any materials to be used externally, details of elevations at 1:20 scale and joinery details at 1:5 of the proposed new sashes and door to rear of building and a methodology for cleaning the brickwork to the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: Required prior to commencement of development to protect the character and appearance of the conservation area within which the site sits and to ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

- 4 The bedroom window within the first floor north-eastern side elevation, serving bedroom 3 as shown on drawing number 619-200B, shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the property is brought into use and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Notwithstanding the submitted plans, a maximum of 9 people shall reside at the site at any time. A register of all tenants shall be maintained and available for inspection by the Local Authority at any time.

Reason: In order to define the intensity and nature of the use hereby permitted in the interests of the amenities of nearby residents and of residents of the site itself 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 planning application relates to the conversion of an existing public house (Class A4) into a house in multiple occupancy proposing 2 single and 7 double rooms (Sui Generis due to the number of bedrooms proposed). Residents would share amenity space in addition to the proposed kitchen, dining room and lounge.

The development mainly involves internal remodelling to provide supported accommodation for vulnerable adults.

The existing two storey building would be laid out with accommodation on three levels comprising:

- Basement level: Storage, utility and plant room
- Ground floor level: Entrance lobby, kitchen & dining room, living room laundry room (revised from office by email), two shower rooms and two double rooms; and externally the provision of bike/bin storage and amenity space to the rear within the existing garden; and
- First floor level: Bathroom, w/c, landing, 7 bedrooms (two single rooms and five double rooms)

The works would include the provision of a secondary bedroom window to the first floor of the northeastern side elevation, the enlargement of the existing window openings and the removal of the door at ground floor level of the northeastern side elevation; the restoration or replacement of timber sash windows to the front elevation; the replacement of existing crittal windows with timber or UPVC sash windows to the rear; the renovation of the existing entrance door to comply with current building regulation; and the general cleaning/ restoration of main façade.

There are no changes proposed in relation to the existing parking situation which is on street only.

There would be no on site management of the property. However support to the residents would be provided through visits to the property by Pathways to independence Ltd who are a registered charity.

Relevant Planning History

MC/14/2951	Insertion of dormers to front and roof extension to rear to facilitate change of use from former public house (use class A4) to house of multiple occupation providing 6 single rooms and 8 double rooms Decision Withdrawn by Applicant Decided 1 December, 2014
GL/77/83A	Conversion into 8 dwellings with associated car parking & landscaping. Decision Approval with Conditions Decided 18/08/1988
GL/77/83B	Alterations to lower ground floor to form additional studio flat. Decision Approval with Conditions Decided 20/07/1989

Representations

The application has been advertised on site, and by individual neighbour notification to the owners and occupiers of neighbouring properties. Brompton Conservation Association have also been consulted.

18 Letters of objection received on following grounds:

- over intensification of use where building would be better suited to family; elderly couples or disabled person occupation
- adverse impact on amenity through on street parking and obstruction of existing highway for local residents
- inadequate parking to serve the development
- inadequate turning circle for additional vehicles
- increase in rubbish and unwanted household items on highway
- noise disturbance

- The scheme makes no reference to the conservation area and links with the historic dockyard
- Loss of privacy
- Local of a local landmark and use as a public house

Development Plan

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

Planning Appraisal

Principle of Development

According to the planning agent, the previous owners of the premises decided to dispose of their interest in the property due to the steady decline in business turnover, decrease in commercial viability and lack of interest in taking over the running of the public house.

In terms of the proposed use, in accordance with Policy H7 of the Medway Local Plan 2003, houses of multiple occupation are normally permitted if the area is of mixed use or commercial character; located where increased traffic and activity would not be detrimental to local amenity; where the property is detached and the proposal would not adversely effect the amenity of the occupiers of nearby properties; and the property is too large to reasonably expect its occupation by a single household.

In this instance, the proposal would result in the occupation of a vacant building that is too large to be reasonably expected to be occupied by a single family; would enable the existing building to be retained with enhancement of existing features thus improving visual amenity; and would be a use that is more low key in terms of any potential disturbance from comings and goings in comparison to the use of the building as a public house. Set within an area of predominantly flatted accommodation, no objection is raised to the principle of the conversion as the development is considered to be acceptable and in accordance with paragraphs 49, 50 and 51 of the NPPF and Policy H7 of the Medway Local Plan 2003.

Street Scene, Design and Character of the Area

The site is located within Brompton Lines Conservation area, within the confines of the village of Brompton and is bounded by flatted accommodation to the northeast and west. The premises is set hard on the road frontage to the western boundary opposite an area of amenity space lined with trees and overlooks Dock Road facing the historic dockyard at Chatham.

The application building comprises a two storey public house premises that has been vacant since 2013. The proposed external changes would have a minimal impact on the external appearance of the premises but would overall, enhance the appearance of the building by the renovation works proposed. The proposals have been

sympathetically designed to respect the historic setting and the character and appearance of the building, in particular to the front elevation where the building is prominent from Dock Road. The proposal is therefore considered to be in accordance with paragraphs 56 and 131 of the NPPF Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

Amenity Considerations

There are two main amenity considerations with regard to amenity: the standard of accommodation which would be provided for potential residents of the site itself; and the impact on neighbours.

Occupier Amenity

The standard of accommodation has been assessed with regard to the locally adopted HMO standards guidance used to assess HMO licence applications and also with regard to the technical housing standards – nationally described space standard 2015 published by DCLG which are used as part of the planning assessment for new housing development. With regard to the HMO licence guidance, there are sufficient number of bathing facilities for a maximum of 15 people only based on the submitted layout which includes three family size bathrooms and a separate W.C and wash hand basin.

The kitchen/diner area is an adequate size (23.9m sq) due to the addition of the shared lounge (26.2m sq) and utility room. Under the HMO Amenity Standards 'bedroom only' minimum room dimensions for two occupants is 10m sq, (6.5m sq. for a one person). From the proposed plans there are 8 rooms over 10m sq. with 1 single room measuring at 8.5m sq. The property is suitable for occupation by up to 15 individuals forming no more than 9 households (rooms). The submitted plans do not show any form of mechanical extraction to either the kitchen or bathrooms (and W.Cs) and this would be required. As part of the House in Multiple Occupation Licensing Process, a full assessment would be carried out. In terms of planning, the national spaces standards for new housing require single bedrooms to be at least 7.5sqm and doubles to be at least 11.5sqm with separate living facilities.

In the current case seven of the bedrooms are proposed to be 11.5sqm or above so can be considered as potential double rooms leaving two as single rooms only being less than 11.5sqm but above 7.5sqm. With regard to the above standard, it is considered that a maximum of 15 occupants in 7 double rooms and two single rooms could be accommodated in the building in order to provide reasonable living standards complimented by sufficient living/kitchen and dining space to meet this standard. This has been brought to the applicant's attention.

Surrounding Residents

The site is located adjacent to a busy road but on a small cul de sac where there is controlled on street parking and off street parking for nearby flats. The site is a public house which has been vacant for a while and whilst the use of the site as an HMO for a maximum of 15 people is likely to increase the comings and goings to and from the site, the occupants are likely to be more able to travel independently. On balance, due to the existing use, the size of the property and the site location it is not considered

that the potential increase in comings and goings to this residential-based site is likely to cause harmful noise and disturbance or loss of amenity to local residents. It is noted that, as at present, residents would be able to use the external garden areas. It is considered that the levels of activity within the external garden space would not be any more harmful than activity levels generated by the use as a pub garden.

The proposed changes to the building would have a minimal impact on residential amenity particularly in consideration of the most recent use as a public house. Residents locally may have become accustomed to the property and garden being under used and eventually vacant due to the decline in business over the years. However, the potential remains that the building could be used as a public house or a bar which by their nature would increase noise and activity levels within the vicinity. The proposed use would result in the occupation of a vacant building and would provide much needed accommodation. With control exerted over the glazing to the new window proposed for the first floor of the northeastern side elevation, no additional overlooking would result from the development over and above the existing situation where the rear garden space of surrounding buildings is, like the proposed development, also shared.

Due to the limited external changes to the building overall, it is considered that no detrimental impact on neighbouring residential amenities in terms of loss of outlook, daylight or sunlight implications would arise.

Accordingly, the development would comply with the objectives of fourth core principle of paragraph 17 of the NPPF and Policy BNE2 of the Medway Local Plan 2003.

Highways

The application site has no off street parking facilities and parking is controlled within the vicinity. In terms of the proposed development, it is unlikely that the proposal would create additional demand for parking where the majority of intended occupants would most likely not own a car. However, no objection is raised as the site is within walking distance of a bus route and the local amenities sited within Chatham town centre. No objection is raised to the development with regard to parking.

The applicants propose to provide a secure space for residents' cycles within a storage area to the rear garden. This would comply with the objectives of Policy T4 of the Medway Local Plan 2003.

S106 matters

As a result of new development proposals a significant effect, either alone or in-combination, is likely to occur on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

This relates to development within 6km of the North Kent Marshes SPA/Ramsar Sites. Work is ongoing to establish and secure the necessary strategic mitigation measures to protect the coastal SPAs and to enable development to proceed. These strategic measures are in the process of being developed by the North Kent local authorities,

but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Whilst these measures are being developed, an interim approach is being applied that will enable development to proceed, based on the clear intention of the authorities to implement these measures.

An appropriate tariff of £223.58 per dwelling, excl. legal and monitoring officer's costs which separately total £550 is sought on the basis that it can be used to fund strategic measures across the Thames, Medway and Swale Estuaries. This interim tariff is in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The proposed scheme would introduce habitable accommodation and on this basis, the applicants have agreed to pay this tariff which would be secured in the form of a unilateral undertaking in accordance with paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

Having regard to current National Planning Policy and the Local Development Plan Policies, The proposal is considered acceptable in principle and with regard to design, amenity and highways as well as consideration of the protection of the designated SPAs. The proposal is considered to be in accordance with paragraphs 49, 50, 51, 56, 118 and 131 of the NPPF and Policies S6, BNE1, BNE2, BNE12, BNE14, BNE35, H7 and T4 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being reported to Planning Committee for members consideration due to the number of representations received against officer recommendation.

This application was considered by Members at the Planning Committee on the 20 January 2016 when it was determined to defer for further negotiation.

This application was considered by Members at the Planning Committee on the 10 February 2016 when it was determined to defer for further negotiation.

Action since February Committee

At the 10 February Committee, members requested further information regarding the number of other HMO's in the immediate area, the existence and operation of similar supported HMO's and the number of staff that would attend on site on any day. This information is still being collected and will be presented in the supplemental agenda report.

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://publicaccess.medway.gov.uk/online-applications/>