

MC/16/1847

Date Received: 27 April, 2016

Location: 94-100 High Street, Chatham, ME4 4DS

Proposal: Part retrospective conversion of existing building into 16 flats (9 x one bedroom, 3 x two bedroom, 3 x three bedroom, and 1x four bedroom)

Applicant: Mighty Rhino Ltd.

Agent: Mr Francey Reverb Architecture 39 Vaine House Cassland Road London E9 5BT

Ward River

Case Officer Doug Coleman

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24 August 2016.

Recommendation - Section 106 - Approval with Conditions

A) The applicant entering into a Section 106 agreement to secure the following:

1. The development as 'Car Free', by precluding future occupiers from obtaining parking permits, including if required undertaking to pay the Council's costs in regard to amending the relevant Traffic Regulation Order to preclude future occupiers of the development from obtaining such parking permits;
2. An open space contribution of £18,305.60 based on an occupancy ratio of 1.33 for the one bedroom units, 2.44 for the two bedroom units and 3.59 for the three & four bedroom units and a contribution of £544 per person to be spent on improvements Town Hall Gardens and/or Chatham Riverside, to encourage healthy communities.
3. An heritage contribution of £7,840.45 based on an occupancy ratio of 1.33 for the one bedroom units, 2.44 for the two bedroom units and 3.59 for the three & four bedroom units and a contribution of £233 per person to be spent at Old Brook Pumping Station, to help safeguard the provision of a cultural, heritage facility.
4. A contribution of £ £3,577.282 (£223.58 per unit) towards appropriate

mitigation measures within Special Protection Areas.

5. To pay the Council's Legal and Monitoring Costs

B) And the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers GA.1.04[A], GA.1.05[A] and 2012/05/530 04A received on 11 May 2016.

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

- 2 Within two months of the date of this planning permission, an Acoustic Assessment shall be undertaken to determine the impact of noise from adjoining and surrounding commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the development herein approved. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with paragraph 123 of the National Planning Policy Framework and Policy BNE2 of the Medway Local Plan 2003.

- 3 Within two months of the date of this planning permission, details of the proposed means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in accordance with the approved details prior to first occupation of the development herein approved and shall thereafter retained.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses and in accordance with Paragraph 103 of the National Planning Policy Framework and Policy BNE23 of the Medway Local Plan 2003.

- 4 Within two months of the date of this planning permission, details of the proposed means of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in accordance with the approved details prior to first occupation of the development herein approved and shall thereafter retained.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses and in accordance with Paragraph 103 of the National Planning Policy Framework and Policy BNE23 of the Medway Local Plan 2003.

- 5 No part of the development herein approved shall be occupied until details of the soil, vent and waste pipes have been submitted to and approved in writing by the Local Planning Authority. All soil, vents and waste pipes apart from their terminations shall be constructed within the building. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: 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 and BNE14 of the Medway Local Plan 2003.

- 6 Details of any secondary glazing to be fitted to the windows shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development herein approved. The development shall be implemented in accordance with the approved details prior to first occupation of any part of the development and shall thereafter be retained.

Reason: 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 and BNE14 of the Medway Local Plan 2003.

- 7 No part of the development herein approved shall be occupied until details and samples of all materials to be used externally, including materials for the surfacing of the proposed courtyard, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: 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 and BNE14 of the Medway Local Plan 2003.

- 8 No part of the development herein approved shall be occupied until details of any external lighting of the courtyard area, including the exact position, details of light intensity and spillage has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details prior to the first occupation of development herein approved and shall thereafter be retained.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light overspill to residential properties in accordance with Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 9 No part of the development shall be occupied until the refuse storage facilities for both the residential and restaurant uses have been provided. The refuse storage facilities shall be retained thereafter.

Reason: To protect the amenity of the residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The flats shall not be occupied until the separating ceiling and floor, between the ground floor restaurant and the first floor, shall resist the transmission of airborne sound, such that the weighted standardised level difference (DnT,W + Ctr) shall not be less than 60 decibels, as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To ensure that amenity of future residents is protected, in accordance with Medway Local Plan Policy BNE2.

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 the change of use of first, second and third floors, which are currently vacant, to residential incorporating 9 x one bedroom, 3 x two bedroom, 3 x three bedroom and 1 x four bedroom flat. It follows the withdrawal of an earlier application (MC/15/3178) for 17 flats.

The application relates to four properties on the south side of the High Street; the end property, 100 High Street has a return frontage to Manor Road and at the rear is known as 2 Manor Road. The building is four storeys high at the front, but due to the steep rise in ground levels, the upper floors are accessed at first floor level at the rear. The third floor is separated in two with individual stairs leading to the rooms above 94/96 and 98/100. There are several internal stairways connecting the floors within different parts of the building. There is an external flue attached to the rear of 94/96 High Street serving the restaurant.

The building was probably built during the early part of the twentieth century and although new shop fronts have been added on the ground floor, the upper floor still retains most of the original features. The ground floor is currently used as a restaurant (94 – 96 High Street) and two empty shops (98 & 100 High Street).

The application proposes the following:

First Floor: 4 x one bedroom flats, 2 x two bedroom flats and 1 x three bedroom flat.

Second Floor: 4 x one bedroom flats, 2 x two bedroom flats and 1 x three bedroom flat.

Third Floor: 1 x two bedroom and 1 x four bedroom flat.

Site Area/Density

Site Area: 0.075 hectare (0.185 acre)
Site Density: 213 d. p. h. (86 d. p. a.)

Relevant Planning History

MC/15/4101	Replacement windows at first, second and third floor levels Refused 1 June, 2016
MC/15/3178	Change of use on first, second and third floors to residential incorporating 14 one bedroomed, 2 two bedroomed flats and 1 four bedroomed flat Withdrawn by Applicant 11 February, 2016
MC/15/3440	Retrospective application for change of use from existing hairdressers (A1) to restaurant (A3) Approved With Conditions 26 January, 2016
MC/14/2558	Advertisement consent for installation of three internally-illuminated fascia signs and one internally-illuminated wall-mounted sign Approved With Conditions 30 October, 2014
MC/14/2559	Installation of a new shop front Approved With Conditions 30 October, 2014
MC/13/1877	Change of use of ground floor to restaurant and first, second and third floors to a 31 bedroom hotel (13 double bedrooms, 2 disabled persons' bedrooms, 4 family bedrooms and 13 single bedrooms) with hotel reception and ancillary area on first floor; additional fire escapes and creation of decking area in rear courtyard (resubmission of MC/13/0164) Approval With Conditions 13 March, 2014
MC/13/0164	Change of use to 43 no. room hotel (35 no. double rooms, 6 no. single rooms & 2 no. family rooms) at 1st, 2nd & 3rd floors of 94-100 High Street and 2 Manor Road together with hotel reception and ancillary area at ground floor of 100 High Street; two storey rear extension with additional fire escapes; and creation of decking area in rear courtyard Withdrawn by Applicant 15 July, 2013
MC/03/0158	Conversion of 1st, 2nd and 3rd floors of property to provide 15 no. flats incorporating single storey rear extension (demolition of existing single storey buildings) Approval with Conditions 01/08/2003
MC/02/1060	Conversion to 5 no. self-contained flats. Approved with Conditions 30/10/2002

Representations

The application has been advertised on site and in the press as a major development and as development within a Conservation Area, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Chatham Town Centre Manager, Southern Water Services, EDF Energy and Southern Gas Networks have also been consulted.

4 letters have been received raising the following objections:

- Overdevelopment;
- Inadequate parking;
- Incorrect information about parking permit availability;
- Inadequate provision for refuse disposal;
- Parking shown, where refuse bins are stored

Southern Gas Networks have written with a plan showing apparatus in the area.

Southern Water has written requesting informatives and conditions be attached to any planning permission.

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.

Supplementary Planning Guidance:

Star Hill to Sun Pier Planning and Design Strategy 2004.
A Guide to Developer Contributions 2014.

Planning Appraisal

Background

On 13 March 2014 planning permission was granted for a change of use of ground floor to restaurant and first, second and third floors to a 31 bedroom hotel, with hotel reception and ancillary area on first floor; additional fire escapes and creation of decking area in rear courtyard (MC/13/1877). That application was subject to several pre-commencement conditions which were not discharged.

The whole of the ground floor was changed to a restaurant and retrospective planning permission was granted on 26 January 2016 (MC/15/3340). Instead of providing the hotel within the upper floors, the applicant is now seeking planning permission for

residential flats.

An earlier application for the conversion of the upper floors to flats was withdrawn on 11 February 2016.

Some work has been carried out on site at the time of the officers' site visit, no further work was being carried out.

Principle

The core principles set out in paragraph 17 of the NPPF, alongside paragraph 49 which states a presumption in favour of sustainable housing development, support the provision of housing to meet the needs of the area. At local level, Policy H4 of the Local Plan supports the principle of residential development in the urban area, mixed commercial and residential uses in proximity to town centres, and the use of upper floors above commercial premises. Policy H5 of the Local Plan contains a presumption in favour of higher density development in or close to town centres and paragraph 23 of the NPPF states that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres. Supplementary planning guidance, The Star Hill to Sun Pier Planning and Design Strategy also promotes the use of all parts of a building, including the upper floors.

The application site is located in the retail centre of Chatham and there are several other buildings in this part of High Street where the upper floors are in residential use. Taking this into account, the proposed conversion of the upper floors to flats is considered acceptable in principle, in accordance with Policies H4 and H5 of the Local Plan, Paragraphs 17, 23 and 49 of the NPPF and with the Star Hill to Sun Pier Planning & Design Strategy.

Design

The building is not listed, but the site is in the Star Hill to Sun Pier Conservation Area. The building dates back to the early part of the twentieth century and being in a prominent location, makes a positive contribution to the character and appearance of the area. The proposal would bring the whole building back into use which is welcomed both in terms of ensuring the future of the building and in terms of the regeneration of the wider area. However, in doing so it is important that the character of the building is retained.

No changes are proposed to the principal elevations - High Street and Manor Road. Changes are proposed to the rear and side (courtyard) elevations, namely the removal of an external staircase, the blocking up of windows and the installation of new windows. However, these alterations are considered to be acceptable and would not detract from the appearance of the building or the Conservation Area. Accordingly, no objection is raised to the proposal under Policies BNE1 and BNE14 of the Local Plan and Paragraphs 56, 58, 131 and 135 of the NPPF which seeks to promote good design and safeguard non-designated heritage assets.

Residential Amenity

Policy BNE2 of the Local Plan and bullet point 4 of paragraph 17 of the NPPF relates to the protection of amenities for existing residents within the locality and future residents of the proposed development.

Occupier Amenity: Housing Design Standards

Flat no:	Bedrooms/ persons	DCLG standard	GIA	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4
		sq m	sq m	sq m	sq m	sq m	sq m
1	2/3	61	57	12.4	9.6		
2	1/2	50	54	14.6			
3	1/2	50	52	12.3			
4	2/3	61	60	11.9	10		
5	1/2	50	52.5	12			
6	1/2	50	47	12.4			
7	3/4	74	76	12.6	11	8	
8	1/2	50	51	11			
9	1/2	50	52	12			
10	1/1	39	43	11.8			
11	2/3	61	61	13.9	9		
12	1/2	50	53	11.7			
13	1/1	39	46	9.3			
14	3/4	74	78	12.7	11.3	10	
15	3/6	95	102	12.6	12.8	11.4	
16	4/8	117	128	15.4	11.5	8.1	8.1

The table shows that most flats comply with the DCLG standards for overall internal floorspace. Only 3 of the flats would fall slightly below the space standards. However, as this proposal relates to the conversion of an existing building, which has architectural merit, the existing layout dictates to an extent, the flat sizes that are possible within. In this case the desirability of bringing an attractive historic building back into use is considered an acceptable justification to allow a slight shortfall in meeting the standards alongside the fact that the proposed flats are laid out logically to adequately accommodate furniture within the rooms.

Paragraph 123 of the NPPF states that, '*planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*'. Due to the ground floor being occupied as a restaurant there is potential for the occupiers of the proposed flats to be subject to disturbance and from activity in High Street and therefore an appropriate condition is recommended to address this. Separate refuse storage areas is also shown to be included within the site for both the restaurant and the residential units and is considered acceptable.

Neighbour Amenity

No additional windows or extensions to the property are proposed under the application and therefore, the proposal raises no issues for surrounding residents in terms of loss of daylight, privacy, outlook or overshadowing. This section of High Street comprises commercial units on the ground floor with residential above. Several

residential units are accessed via Manor Mews to the rear. There are also residential units in Manor Road to the south. The conversion of the upper floors to flats raises no issues in terms of noise and disturbance to the occupiers of these existing residential properties.

Overall, with the inclusion of the suggested condition, the proposal is considered to be in accordance with bullet point 4 of paragraph 17 and paragraph 123 of the NPPF and Policy BNE2 of the Local Plan.

Highways

There is little space for on site parking. There is a small area to the rear of the first floor which could provide up to two spaces. This area is accessed off Manor Road. Immediately to the rear is a private access road serving the upper floors of other properties in High Street which are primarily in residential use. However, as this road is private it would not be available to serve the proposed development which would need to be accessed directly off Manor Road.

Two spaces would be inadequate to serve the proposed development and would not comply with the Councils adopted Vehicle Parking Standards. However, having regard to the town centre location in close proximity to shops, public transport and public car parks, it is considered that the proposal would be acceptable without any parking.

Manor Road has residents only parking and this is already restricted. The proposal could therefore add to pressure on-street parking in Manor Road. It is, therefore, recommended that the applicant enter into a Section 106 agreement to the effect that no on street parking permits are issued to occupiers of the proposed flats.

On the basis, that the residential parking standards allow for reduced or no parking in sustainable locations such as the application site, the proposal is considered acceptable and in accordance with Policy T1 of the Local Plan.

S106 matters

New residential development can create additional demand for local services, such as for health and refuse services. Policy S6 of the Local Plan says that conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations/contributions requested comply with these tests because they have been calculated based on the quantum and location of the proposal a re directly related to the development.

The following contributions are sought:

Greenspace Services

A contribution of £18,305.60 based on the following occupancy ratios:

Number of bedrooms	Number of units	Occupancy ratio	Population
1	9	1.33	11.97
2	3	2.44	7.32
3	3	3.59	10.77
4	1	3.59	3.59
Total	16		33.65

A contribution of £544 per person is sought. The contribution would be spent on improvements to Town Hall Gardens and/or Chatham Riverside to help ensure the access and maintenance of these spaces to encourage healthy communities in accordance with paragraph 69 of the NPPF.

Heritage

A contribution of £7,840.45 based on the following occupancy ratios:

Number of bedrooms	Number of units	Occupancy ratio	Population
1	9	1.33	11.97
2	3	2.44	7.32
3	3	3.59	10.77
4	1	3.59	3.59
Total	16		33.65

A contribution of £233 per person is sought. The contribution would be spent at Old Brook Pumping Station, Solomons Road, Chatham to help safeguard the provision of a cultural, heritage facility in accordance with paragraphs 70 and 131 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, 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.

Natural England has advised that an appropriate tariff of £223.58 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries, resulting in a contribution of £3,577.28 for the proposed development. The strategic measures are in the process of being developed, 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.

The interim tariff stated above should be collected for new dwellings 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.

Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection is raised under Paragraphs 118, 203 and 204 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, highway safety and parking. The development is considered acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions as set out above. The proposal accords with the provisions paragraphs 17, 23, 49, 56, 58, 69, 70, 118, 123, 131, 135, 203, 204 and 206 of the NPPF; Policies S6, H4, H5, BNE1, BNE2, BNE14, BNE35 and T1 of the Local Plan; the Star Hill to Sun Pier Planning and Design Strategy; and A Guide to Developer Contributions.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received contrary to officer recommendation.

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/>