

MC/16/4274

Date Received: 18 October, 2016

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

Proposal: Change of use from former public house (Class A4) to house of multiple occupation providing 2 single rooms and 7 double rooms for a maximum of 15 residents at any one time.

Applicant: V&C Partnership

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

Ward River

Case Officer Paul Ives

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 December 2016.**

**Recommendation – Approval 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. And 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 18 October 2016.

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 15 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.  
Recommendation**

### **Proposal**

This application seeks full planning permission for the change of use from former public house (Class A4) to a house of multiple occupation (Sui Generis) providing 2 single rooms and 7 double rooms. Up to 15 residents are proposed to occupy the property sharing amenity space to the rear 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 and 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 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.

No on site management of the property is proposed and no details have been put forward for off site management of the use.

### **Relevant Planning History**

MC/15/3987	Change of use from former public house (use class A4) to house of multiple occupation providing 2 single rooms and 7 double rooms  Decision Dismissed at appeal Decided 4 July 2016
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/77/83B	Alterations to lower ground floor to form additional studio flat. Decision Approval with Conditions Decided 20 July 1989
GL/77/83A	Conversion into 8 dwellings with associated car parking & landscaping. Decision Approval with Conditions Decided 18 August 1988

## Representations

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

A letter of representation has been received accompanying 157 signed duplicate letters from the Community of Brompton and from Members of the Brompton PACT Community Association objecting to the 'license' as follows:

- Residents strongly object to the proposed use of this building providing supported accommodation for vulnerable adults;
- The number of bedrooms has changed since the last application;
- The HMO application fee should not have been waived or reduced for this application;
- the applicant does not live in the Medway Towns and feels no responsibility or duty of care to the direct neighbours of the development;
- No communication has been had with the community direct or Brompton PACT Community Association of HMO licence applications;
- Porchlight and Pathways to independence are both mentioned as a potential managers but no further details are available as to who or when or how the property will be managed; the management arrangements are a mystery and have not been included in the application license;
- loss of amenity;
- Properties within the locality are not HMOs or of non residential use
- There is a severe shortage of 4 or 5 bedroomed family accommodation in the area;
- The 'bus stop' is a bus overflow stand opposite the site;
- Movement of persons or vehicles at unsociable hours would be detrimental; and cause loss of amenity to existing residents
- Increase in cars and people activity will have a detrimental effect on all residents as well as the wider community
- Residents will be potential car owners. The premises will be visited by friends visitors and families of the occupants as well as health professionals visiting or providing support and will have cars which will add to the existing problem of parking in the locality.
- The letter is also accompanied by a list of HMO properties in Medway managed or owned by Pathways to independence (as Medway Cyrenians and Hope Ltd) and the Ashdown Accommodation Trust.

Four letters of representation have been received objecting to the proposal on the following grounds:

- The development is within the Brompton lines Conservation area and special consideration should be given to the use of the historic building;
- Competition for parking spaces and obstruction of the highway caused also by

- increase in visitors;
- Support the use of the building for families elderly couples disabled persons for people with special needs;
- The applicants will not have use of a neighbouring car park;
- Anti social behaviour and potential danger to elderly and disabled residents;
- Increase in rubbish and unwanted household items being left in the street;
- It is noted that Pathway are not involved with the new application but there is nothing to stop them or any other management company being involved later;
- Increase in noise generation and criminal activities; and
- Should be used for a community use linked to the historic dock yard.
- Other non material planning considerations against the development are as follows:
  - Adversely affect the mental well being of vulnerable elderly residents;
  - Medway standards for applying for accommodation should be applied in terms of age limit and police records;
  - Tenants outside the Medway area may well be placed in the accommodation;
  - HMO residents would jump the list for housing in Medway;
  - Medway Council has a duty of care to provide a safe environment for residents;
  - Far too many HMOs for the clientele;
  - Not enough support being done to support the socially isolated within our communities;
  - Public house was well managed when occupied;
  - No communication with local residents;
  - A dumping ground for ex offenders where it should be used for a purpose that enhances community life in Brompton; and
  - Supports the concerns of many in the area regarding the impact the development would have

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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 applicants previously lodged an appeal against the planning application MC/15/3987 for non determination within the statutory period. In considering what decision it would've made if the appeal hadn't have been lodged, the Planning Committee expressed concerns related to the impact on residential amenity due to the intensity levels of occupation and the associated movement of staff, particularly with no off street parking being available. However, the Planning Committee felt this concern could've been overcome through the imposition of a condition to restrict the occupation to no more than 9 people being accommodated within the property at any one time.

The inspector considered the appeal which included an agreement in principle from the appellants that they make a contribution towards mitigation measures related to the potential disturbance to birds within the nearby SPAs but in the absence of a completed unilateral undertaking.

In terms of occupation, the inspector gave significant weight to the existing use of the premises (public house). The Inspector acknowledged the activity levels and potential noise and disturbance that use as a public house could generate and in his view, felt that this would be far greater than the use of the property as residential accommodation housing 15 people. Weight was given to the potential substantial number of customers that would have been accommodated in the public house, including more frequent coming and goings of customers and any noise associated with music and karaoke. The Inspector asserted that whilst the property has been vacant for some time, the potential reinstatement of the use as a public house would likely increase noise and disturbance levels beyond those associated with a residential use of 15 people including use of the rear garden area. The Inspector noted that HMOs are subject to rules and conditions of assured short hold tenancy agreements and the Council's licensing conditions would apply to management practices and tenants behaviour so accepted the withdrawal of the initially indicated management company (Pathways to independence) in view of this.

In terms of parking and impact on amenity, the Inspector noted the number of spaces available during his visit and proximity of local amenities and proximity to the local bus stop into Chatham town centre that would reduce the reliance of any future occupiers on a private motor vehicle. He also noted that residents circumstances for this type of accommodation may mean that they may not own a car due to low levels of income. In terms of impact on the conservation area, the Inspector noted the enhancements to the appearance of the property that would be delivered through occupation.

Whilst the applicants had agreed to the unilateral undertaking in relation to the bird disturbance mitigation measures, the agreement was not formally secured before or during the appeal process. The Inspector stated the need for the unilateral undertaking to be signed prior to determining the appeal and therefore in the absence of the suitable legal mechanism to mitigate adverse affects through occupation, he concluded that significant harm would arise to the North Kent Marshes SPA and dismissed the appeal on this basis.

This current application is therefore a resubmission of the previous application where the only difference is the submission of a completed unilateral undertaking to secure the contribution towards mitigation measures against bird disturbance within the SPAs.

### *Principle*

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 Local Plan, 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 Local Plan.

### *Design*

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*

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 Local Plan.

#### *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 Local Plan.

#### *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 unit (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. 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, either as new builds or conversions (which includes HMOs and student accommodation), 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 applicants have agreed to pay this tariff and have submitted the unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *Other matters*

For information, the Council only has records of those HMOs which require a licence i.e. those HMOs that are occupied by in excess of 6 people. For HMOs occupied by less than 6 people the only involvement the Housing team would have for those would be if a complaint has been received. The private sector housing team raise no objection to the use or the number of occupants proposed under this application. The development would meet the HMO standards for amenity and is suitable for housing 15 residents under licence. They confirm that licensed HMOs by ward as follows:

Rochester West	3
Chatham Central	35
Gillingham South	26
Gillingham North	16
Hempstead and Wigmore	1
Luton and Wayfield	8
River	8
Rochester East	5
Rochester South and	3
Horsted	
Strood North	1
Strood South	1
Watling	2

#### *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, 109, 118 and 131 of the NPPF and Policies S6, BNE1, BNE2, BNE12, BNE14, BNE35, H7 and T4 of the Medway Local Plan 2003.

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 expressing views contrary to the Officer recommendation.

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#### **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/>