

MC/16/4682

Date Received: 18 November, 2016

Location: 91-93 Bryant Road Strood Rochester ME2 3ES

Proposal: Alterations to facilitate self containment of 91 Bryant Road as a two bedroom dwelling from the first floor of 93 Bryant Road; conversion of 93 Bryant road (ground floor) from Storage use (Class B8) with residential above into a two bedroom dwelling and erection of a single storey extension to the rear of 93

Applicant: Mr & Mrs Dinesh Thakrar

Agent: Mr Keith Jeffery 36 Birch Drive Lordswood Chatham Kent ME5 8YU

Ward Strood North

Case Officer Paul Ives

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 15 March 2017.

Recommendation - Approval subject to;

A. To secure £223.58 towards Wildlife 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:

Drg DT/02/15 B (existing and proposed elevations) received 1 February 2017 and Drgs DT/03/15 A (existing plans) and DT/04/15 A (proposed plans) received 12 December 2017

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

- 3 The alterations to the front elevation of the properties shall be carried out prior to their occupation and all materials used externally shall match those of the existing buildings.

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 Policy BNE1 of the Medway Local Plan 2003.

- 4 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from adjoining commercial noise sources carried out 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 and approved in writing by the Local Planning Authority. 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: In the interests of amenity protection in accordance with the objectives of 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

Alterations to facilitate self containment of No. 91 Bryant Road as a two bedroom dwelling from the first floor of 93 Bryant Road; conversion of No. 93 Bryant Road (ground floor) from Storage (Class B8) with residential above into a two bedroom dwelling and erection of a single storey extension to the rear of No. 93.

The proposed works would in effect allow for conversion and subdivision into two, two-bedroomed homes with gardens and result in the demolition of an existing single storey outbuilding to the rear. Both properties are currently vacant.

Each dwelling would comprise dining room, lounge, kitchen, lobby and bathroom at ground floor level with two bedrooms (one with en-suite bathroom) at first floor level. To provide a bathroom at ground floor level to the rear of No. 93, a single storey flat roof extension is proposed in replacement of an existing outbuilding built off the side of an existing party wall. To the front elevation, existing frontage glazing would be reduced in scale to standard domestic window types with 1.1m floor to cill heights. Each property would have a minimum garden depth of approx. 14m, facilitated also by the demolition of the existing outbuilding to the rear of No. 93.

Site Area/Density

Site Area: 0.024hectares (0.05acres)

Site Density: 83dph (40dpa)

Relevant Planning History

- MC/16/0762 Conversion of dwellings into four 1-bedroomed flats and construction of a single storey rear extension to 93 Bryant Road (demolition of existing outbuilding to number 93 and chimneys)
Decision Withdrawn by Applicant
Decided 22 March, 2016
- MC/13/0756 An application for a Lawful Development Certificate (proposed) for creation of first floor flat with shower room
Decision Approval
Decided 02/05/2013
- MC/07/0822 Construction of a single storey extension and alterations to front to facilitate conversion of buildings to form four self-contained flats (Resubmission of MC2005/0348)
Decision Refusal
Decided 03/07/2007
Appeal Dismissed
Decided 31/12/2007
- MC/05/0611 Construction of a first floor rear extension
Decision Refusal
Decided 17/05/2005
- MC/05/0348 Construction of single storey rear extension and alterations to front to facilitate conversion of buildings to form five self-contained flats
Decision Refusal
Decided 18/05/2006
- MC/01/0880 Change of use from shop (Class A1) to cafe and hot food takeaway (Class A3)
Decision Refusal
Decided 21/08/2001
Appeal Dismissed Decided 13/02/2002
- ME/95/0096 Continued use of ground floor of property, as storage area in connection with the, applicant's retail operations at 16 High Street, Strood
Decision Refusal
Decided 14/06/1995
Appeal Decided 09/11/1995
- ME/92/0158 Proposed conversion of 5 bedroomed dwelling, into two self-contained flats

Decision Approval with Conditions
Decided 28/04/1992

ME/91/0311	Change of use of ground floor of property from A1 (retail) to storage in connection with the, applicants retail operations at his premises at, 16 High Street, Strood Decision Refusal Decided 18/06/1991 Appeal Decided 12/12/1991
ME/90/0704	Change of use of shop (class A1) to Indian take, away (class A3) Decision Refusal Decided 04/10/1990
ME/82/680	Single storey rear extension Decision Approval with Conditions Decided 05/11/1982
MC/76/304/A	Extension for kitchen/bathroom and fish, preparation room Decision Approval with Conditions Decided 24/11/1976
ME/76/304	Extension for kitchen/bathroom and fish, preparation room Decision Approval with Conditions

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.

Three letters of objection were received to the initial proposal for conversion into four flats on the following grounds:

- overdevelopment
- traffic congestion
- inadequate parking
- increase in parking competition at peak times
- adverse impact on local trade through increased parking,
- set a precedent for further flat development
- adverse impact on local residential properties
- security of business would be compromised

Following discussion with officers, the applicant subsequently revised the proposal to create 2 dwellings and further consultation was carried out on the revised proposal.

Residents have been notified of the proposed changes and also the change in description to the existing use of the ground floor of No 93.

Two letters of objection have been received following the latest notification on

amended scheme, objecting on the following grounds:

- increase in parking competition on the public highway in particular at peak times
- inadequate parking provision

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 site comprises two mid terraced properties and sits approximately 350m north-east of High Street, Strood and is located within the Bryant Road Neighbourhood Centre designation in the Medway Local Plan 2003. This centre has a mixture of residential and commercial uses.

The application site is currently laid out as a maisonette and storage use between two properties. The ground and first floors of No. 91 and the first floor of No. 93 are occupied as a maisonette and the ground floor of No. 93 is used for storage purposes with items of furniture stored within. It retains the original retail frontage but was allowed on appeal as a temporary use by the Planning Inspectorate in 1996 (ref: ME/95/0096). This appeal decision was personalised to the appellant at the time as overspill storage for 16 High Street Strood. This expired on 31 December 1998 however the building has remained in use for this purpose since and was taken over by the current owner in this form. Given that the use has been operated in this form for a continuous period for over 10 years, it is now immune from enforcement action and is deemed to be lawful. To the rear of No. 93 an outbuilding exists (currently vacant).

The planning application initially comprised of the conversion of both properties into four flats. It should be noted that a similar proposal to convert the properties to four flats submitted under planning reference MC/07/0822 was refused planning permission in July 2007 and a subsequent appeal dismissed by the Planning Inspectorate (this application was a resubmission of refused application ref: MC/05/0348).

As the application as submitted proposed a similar development, the case officer suggested that the proposal be revised as it was likely to be refused. Following the discussion with the case officer, the applicant amended the application and now proposes the conversion of the property into two (2-bedroomed) dwellings with the provision of amenity spaces through the demolition of outbuildings within the site.

Principle

Such a conversion would raise the question of loss of retail floorspace at ground floor where Policy R10 of the Local Plan seeks to resist such loss. This policy seeks to

protect A1, A2 and A3 uses it states that *'development involving the loss of existing shopping facilities, including retail, service and food and drink uses (Classes A1, A2 and A3) will not be permitted unless an improvement to local amenity or the provision of community facilities occurs that outweighs the loss'*. In this specific case, the sustainability of a retail use in this location can be questioned particularly as the retail floorspace has been lost for more than 10 years as 'storage' space. The site is located within a fragmented section of the Bryant Road Neighbourhood Centre, with a number of residential uses interspersed within the retail and commercial uses. This results in the proposal falling within an area with limited retail character. Furthermore, national policy through the NPPF lends weight to the argument for conversion of retail units to residential usage. NPPF paragraph 23 encourages residential development in retail centres as it can encourage vitality: *'residential development can play an important role in ensuring the vitality of centres'*. A review of all shopping centres across the borough including neighbourhood centres has been undertaken. The purpose of the review is to document changes over time, establish the appropriate distance between centres and to establish whether centres identified through the 2003 Local Plan are still viable centres now and going into the future, identifying their role to support the growing population. Evidence gathered has demonstrated that Bryant Road Neighbourhood Centre is quite fragmented, but still adds some value in that it offers several convenience stores, a chemist, a lettings agent, salons and hot food takeaways.

Being a neighbourhood centre, policy generally would support uses that re-enforce either the community or service function. However, by virtue of the fact that the ground floor of No. 93 no longer has an established retail use with No. 91 and the upper floor of No. 93 also established as residential for a number of years, therefore no significant concerns are raised to the loss of retail floorspace or to the proposed use of both properties for residential purposes. Indeed, the centre is also a short distance away from High Street, Strood, which has a vast provision of uses to support the surrounding population.

Paragraphs 49 and 50 of the NPPF encourage development for housing in urban areas (where appropriate) with a presumption in favour of good quality housing and choice where development would not cause harm to the local area. The existing use in part offers no contribution to the local centre as storage premises. The proposed development would enable both properties to be self contained on two levels providing much needed family homes. In consideration of the lawful and historic use of both properties, no objection would be raised to the proposed scheme as set out. In addition the removal of the rear outbuilding would further reduce the impact of the existing situation on neighbouring residents if carried out.

The principle of residential use for both sites is accepted and considered to be acceptable in accordance with paragraphs 49 and 50 of the NPPF and Policy H4 of the Medway Local Plan 2003.

Design

Good design is encouraged in paragraph. 56 of the NPPF requiring that development should respond well to local character. At a local level, Policy BNE1 seeks to ensure that development should be appropriate in relation to the character, appearance and

functioning of the built and natural environment with Policy BNE9 relating to commercial frontage design.

The proposed changes would be limited to the frontages of both properties, internal changes to alter the layout and removal of the outbuilding at the rear. These alterations would not have an adverse impact on the character or appearance of the area where residential uses and frontages currently exists. The design is sympathetic to, and complementary to the appearance of other dwellings in the locality. In addition, the proposed upgrading to the existing fenestration will enhance the appearance of these properties.

The demolition of the outbuilding would not require planning permission but would improve the appearance of the site from neighbouring gardens. The proposal is considered to meet the objectives of paragraph 56, Policy BNE1 and BNE9 of the Local Plan.

Amenity

In terms of neighbouring amenity, the proposal would be no different from the existing situation in terms of privacy. The proposal would result in improvements to outlook and light resulting from the demolition of the existing outbuilding. In order to secure this and provide reasonable garden space for No. 93 Bryant Road, a condition is recommended to require the removal of the building prior to occupation of that dwelling and secure details of mitigation to provide usable garden space.

The proposed development would meet the National Technical Space standards objectives for room sizes and would provide sufficient garden space for use as family homes and amenity use. There is potential for noise disturbance from the adjacent fish and chip takeaway. An assessment of noise impacts from the takeaway is required to ensure that acceptable internal noise levels are achieved within the proposed residential units. This can be secured by appending appropriately worded planning condition. Overall, the development would meet the amenity objectives of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Highways

Both properties have no off-street parking and are reliant on parking on the highway which at peak times is at a premium. The existing use of both properties as a five bedroomed maisonette and a storage unit would generate parking potential for 3 vehicles on the highway where no off road parking is provided. This is based on 2 spaces maximum for the five bedroomed flat and 1 space maximum for the storage element of 18m². The proposed development of two, 2-bedroomed houses would generate parking potential for a maximum of 3 parking spaces on site but reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance. The site is close to Strood Town Centre and whilst parking would be generated, the proposal on balance would have no significantly greater impact on parking in the area when considered against the existing use, location close to the town centre and proximity to local amenities. On this basis, no objection is raised on highway or amenity grounds in terms of Policy T13 and Policy BNE2 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 dwelling (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 applicant has agreed to pay this tariff and is in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

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 proposed towards Bird Mitigation comply with these tests for the reasons explained above.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposed conversion of both properties into two dwellings would comply with the objectives of paragraphs 17 23 49 50 56 109 118 of the National Planning Policy Framework 2012 and Policies H4, S6, BNE1, BNE2, BNE9, BNE35 and T13 of the

Medway Local Plan 2003 in terms of land use, design, amenity and highways considerations.

The application would normally be determined under Officer delegated powers but is being reported to Committee for a decision in view of the number of letters of representations received contrary to the Officer's Recommendation.

It should also be noted that the application was deferred from the 15 February Planning Committee due to the applicants having to submit a revised plan to clarify the impact of the extension on the shared/common boundary with the neighbouring property to the west and to allow them adequate time to serve notice on the owners of that property.

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/>