

MC/16/4508

Date Received: 3 November, 2016

Location: 60 Linden Road, Gillingham ME7 2PH

Proposal: Change of use of property from residential to HMO

Applicant: Mrs Bell

Ward Gillingham South

Case Officer Thomas Stubbs

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 12 April 2017.

Recommendation - Approval, subject to:

A The applicant completing a Unilateral Undertaking to secure a contribution of £1,117.90 (£223.58 per dwelling) towards Designated Habitats Mitigation;

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:

Drawing number PL-1633 titled Existing plans received on 9 December 2016.

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

3 Notwithstanding the submitted plans no more than 8 people shall reside at the site 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 and with regard to 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 seeks planning permission for the change of use of property from residential (C3 dwelling) to HMO (sui-generis).

There is no proposed change to the layout and the three storey building would be laid out with accommodation on three levels comprising:

- Basement level: Bedroom 1 (16.97sqm)
- Ground floor level: Bedroom 2 (13.61sqm), Bedroom 3 (10.74sqm) and a kitchen/diner, shower room and wc.
- First floor level: Bedroom 4 (17.79sqm), Bedroom 5 (10.74sqm), bathroom and Bedroom 6 (10.32sqm).

Representations

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

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

- Road already has too many flats and HMOs
- Parking concerns

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

Principle

The application site is located within the urban area of Gillingham within a terrace. Planning history shows that the neighbouring property at No. 62 is currently subdivided into flats. The proposal is to use the dwelling house as a HMO. The property would be able to accommodate more than 6 people living within the dwelling due to the room sizes and therefore the change of use would be considered to be sui generis. Policy H7 of the Local Plan states that such changes of use may be considered acceptable if the property is too large to be reasonably considered suitable for single family occupation, a high standard of accommodation provided and the development would have minimal possible detrimental affects. Large terraced properties would only be acceptable for HMOs if adjoining properties already have planning permission or are lawfully used for non residential purposes or multiple

occupation. Most suitable locations according to paragraph 5.5.28 of the Local Plan are likely to be within or on the fringes of town centres or on main roads where there is a mix of land use and unlikely to be suited to family occupation.

In this context, the site is located within a terrace of C3 residential uses, flats and other houses of multiple occupation and is relatively close distance from the town centre, the proposed change of use does not meet all the criteria given in Policy H7 of the Local Plan. However the proposed development also needs to be assessed with regard to the NPPF which advises that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49). It is also relevant to note that if the application was for the change of use to a smaller HMO (occupied by not more than 6 residents), it would be permitted development under Class L (b) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). On balance in these circumstances the proposed development is considered acceptable in principle.

Design

The proposed development would not result in any material changes to the external appearance of the building and on this basis, no objection is raised to the proposed development in the context of Policy BNE1 of the Local Plan.

Amenity

There are two main amenity considerations, the impact of the development on neighbours and the living conditions for future residents of the site itself.

The proposed levels of occupancy will intensify when compared to the existing use. No neighbouring amenity will be adversely affected by the proposed development as no external alterations are proposed. Increased parking competition will result, however due to the nature of occupancy, it is unlikely that future residents will have ownership of a car and if they do, will not be able to park directly in front of the site due to the traffic controls in place. Although there may be more comings and goings it is unlikely to result in any detrimental impact when compared to that of the use of the property lawfully as a HMO for up to 6 people.

The standard of accommodation for future occupiers has been assessed with regard to the locally adopted HMO standards guidance used to assess HMO license 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 developments. The proposed use would not have a communal living room. Under the HMO license guidance combined living and bedrooms require 10sqm for one person and 14sqm for two people, with bedrooms alone requiring 6.5sqm and 10sqm respectively. The national spaces standards for new housing require single bedrooms to be at least 7.5sqm and doubles to be at least 11.5sqm (such dwellings would also have separate living facilities).

With regards to the two standards the national standard prescribes the bedrooms are suitable as three double bedrooms and three single bedrooms, however the HMO guidance indicates the suitability of 4 single bedrooms and 2 double bedrooms.

Considering that there is no lounge provided, the higher standards would need to be considered to provide suitable living standards as guidance. In these circumstances and with regard to the above guidance it is considered that a maximum of 8 occupants with four single bedrooms (rooms 2, 3, 5 and 6) and two doubles (rooms 1 and 4) would provide reasonable living standards for them. It is recommended that the occupancy level should be conditioned to be no more than 8 people.

In summary, the amenity impacts of the development are considered acceptable including with regard to Policy BNE2 of the Local Plan and the guidance given in the NPPF (including the fourth core planning principle given in paragraph 17).

Highways

The proposed development is close to a town centre location and there is no specific planning policy that relates to the sui generis use proposed. There is no parking for the existing use which could be used as a property to accommodate for up to 6 people without planning permission. The application site is within a sustainable location and is within walking distance to the town centre and Gillingham train station. Parking controls exist on the road and due to the nature of the accommodation provided it is likely that car ownership would be low. The road is subject to traffic control order and in consideration of this, the occupants are unlikely to have a car but where they do, parking is available. No objection is raised on highway grounds where the site is within the vicinity of a bus route, train station and the town centre.

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 has submitted 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.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

In summary the proposed change of use is considered acceptable in principle with regard to Policy H7 of the Local Plan and the more recent guidance in the NPPF. The design, amenity and parking/traffic impacts are also considered acceptable subject to conditions. Approval is therefore recommended including with regard to Policies H7, BNE1, BNE2, BNE35, S6 and T13 of the Local Plan and the advice in the NPPF.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of the representations received expressing a view contrary to the 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/>