

MC/18/3352

Date Received: 21 November 2018

Location: 249 London Road Rainham Gillingham Kent

Proposal: Change of use from C2 residential Care home to C3 residential dwellings together with the construction of a part single/part two storey rear extension; dormers to front and rear; roof lights to sides and first floor window to side to facilitate the creation of 8 flats with associated parking and cycle storage - demolition of single storey rear projection

Applicant Amit Kandelina

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Ward: Rainham Central Ward

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 20th March 2019.**

**Approval subject to:**

- A. Secure £1677.27 contribution towards Bird 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: CCH/PL/100 Rev A, CCH/PL/101 Rev A, CCH/PL/102 Rev A, CCH/PL/103 Rev A, CCH/PL/200 Rev A, CCH/PL/201 Rev A, and CCH/PL/401 Rev A received on 6 Feb 2019.

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

- 3 The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied 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 Policy BNE1 of the Medway Local Plan 2003.

- 4 All materials used externally shall match those of the existing building.

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.

- 5 The windows in the east and west elevations of the building, on the ground floor, shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.5 metres above the internal finished floor level of the room it serves shall be non-opening; and

The windows in the east and west elevations at first floor 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 completed before any room it serves is occupied and shall be retained 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.

- 6 The separating floor and ceiling between the ground, first floor and roof/loft flats shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of amenity protection for the future occupiers of the flats in accordance with Policy BNE2 of the Medway Local Plan 2003 and the objectives of paragraph 127(f) of the National Planning Policy Framework 2019.

- 7 No further development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operative's vehicles, deliveries to the site, noise, and dust arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before further commencement of development in order to minimise the impact of the construction work on the amenities of local residents, in accordance with Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 8 The flats herein approved shall not be occupied until the area shown on the submitted layout for vehicle parking has been provided, marked out as allocated on drawing number: CCH/PL/401, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 9 The flats shall not be occupied until full details of the cycle storage/lockers for the development have been submitted to and approved in writing by the Local Planning Authority. The cycle storage/lockers shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 10 Prior to the first occupation of the flats herein approved full details of the refuse storage arrangements for each flat, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved detail and shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 The flats shall not be occupied until the new access and mitigation works to the existing have been undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved detail prior to full occupation of any flats within the development and following implementation, the works shall be maintained.

Reason: In the interests of highway safety and efficiency considerations in accordance with Policies T1 and T13 of the Medway Local Plan 2003 and the objectives of paragraph 109 of the National Planning Policy Framework 2019.

**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 permission for the change of use from C2 residential care home to C3 residential dwellings together with the construction of a part single/part two storey rear extension; dormers to front and rear; roof lights to sides and first floor window to side to facilitate the creation of 8 flats with associated parking and cycle storage.

The proposed extension would include a part single/part two storey rear extension measuring approx. 13m deep across the full width of the property at ground floor designed with pitched roofs. The two single elements at first floor over the ground floor extension, would each measure 3.5m deep by 5.3m wide, separated by a 5.7m gap. These two extensions would have hipped end roofs set lower than the main roof ridge.

Within the main roof, two small dormers are proposed to the front and two to the rear. There are roof lights proposed to the front side and rear, both to the new and extension roof slopes.

The proposed extensions would facilitate the conversion of the property to 8 residential flats. The proposed flats would be arranged as follow:

### Ground Floor

Flat 1 - Two bedroom unit (approx. 70m<sup>2</sup>) comprising two double bedrooms (one with en suite shower room), bathroom and kitchen/lounge.

Flat 2 - One bedroom unit (approx. 49m<sup>2</sup>) comprising one double bedroom, bathroom and kitchen/lounge.

Flat 3 - Three bedroom unit (approx. 90m<sup>2</sup>) comprising two double and one single bedrooms (one with en suite shower room), bathroom and kitchen/lounge.

Flat 4 - Three bedroom unit (approx. 97.5m<sup>2</sup>) comprising two double and one single bedrooms (one with en suite shower room), bathroom and kitchen/lounge.

The larger units both have direct access to the rear garden.

### First Floor

Flat 5 - Studio unit (approx. 39m<sup>2</sup>) comprising kitchen/lounge/sleeping area and a shower room.

Flat 6 - One bedroom unit (approx. 45.5m<sup>2</sup>) comprising one double bedroom, bathroom and kitchen/lounge.

Flat 7 - Two bedroom unit (approx. 71.5m<sup>2</sup>) comprising two double bedrooms (one with en suite shower room), bathroom and kitchen/lounge.

### Roof / loft level

Flat 8 - Two Bedroom unit (approx. 73.5m<sup>2</sup>) comprising one double and one single bedrooms (one with en suite shower room), bathroom and kitchen/lounge.

The three bedroom flats would have direct access to a private amenity area, with other flats having access to a communal area within the rear garden. There are 10 parking spaces proposed to the front, allocated to the flats. Cycle and refuse storage would be sited along the western side of the property.

A Design and Access Statement, Flood Risk Assessment, Development Site Impact Assessment Report, and an Access Statement accompany the application. In terms of viability as an extended care home, the applicants have submitted a business forecast of returns to demonstrate that as a care home would be financially unviable in the location.

### **Site Area/Density**

Site Area: 0.12hectares (0.29acres)

Site Density: 67dph ( 28dpa)

### **Relevant Planning History**

MC/15/2525	Construction of single storey infill extension to rear; construction of a ground floor rear extension; two first floor rear extensions and conversion of existing roof space to living accommodation together with the insertion of two dormers to rear, with associated amenity, parking & landscaping works Decision Approved Decided 14 January 2016
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MC/14/3796	Construction of single storey infill extension to rear; two first floor rear extensions and conversion of existing roof space to living accommodation together with the insertion of two dormers to rear, with associated amenity, parking & landscaping works - Resubmission of MC/13/3172 Decision Approval with Conditions Decided 17 March, 2015
MC/13/3172	Construction of single storey infill extension to rear; single storey rear extension, two first floor rear extensions and conversion of existing roof space to living accommodation together with the insertion of two dormers to rear, with associated amenity, parking & landscaping works Decision Refusal Decided 24 February, 2014
MC/12/0883	Change of use from residential care home to children's day nursery with associated parking Decision Refusal Decided 7 June, 2012
MC/09/1032	Application for an existing Lawful Development Certificate for use as residential care home for the elderly within Use Class C2, only and for no other use/purpose in Class C2 of the Town and Country Planning use Classes Order 1987 and its subsequent amendments Decision Approval with Conditions Decided 09/09/2009
MC/06/1901	Change of use from residential care home to guest house Decision Approval with Conditions Decided 11 December, 2006
GL84/183A	Change of use from dwellinghouse to residential home for elderly Decision approved Decided 14 December 1984

## Representations

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

**Two** letters of representation received raising concerns on the following:

- No objection to residential development however proposed number is excessive for the site;

- Impact to amenity from the depth and height of the rear extension (in particular to the single storey element);
- Overdevelopment of the site and detract from the local amenities which must be preserved;
- Limited parking provided does not satisfy the possible number of occupants.

Councillor Mrs Chambers has called in the application, for decision by the Planning Committee.

## **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 2019 and are considered to conform.

## **Planning Appraisal**

### *Background*

The site, based on planning record, appear to have been vacant as a residential care home for 19 persons with staff provisions since 2001. At the later end of 2018, works commenced towards implementing planning permission ref: MC/15/2525, granted January 2016, for extensions to provide a residential care home. The works carried out removes elements of the existing building and foundations laid with a course of brickwork up to dpc level. The works ceased prior to this application, nonetheless this work represent implementation of the extant permission. A steel container is located within the front garden and hoardings to the front.

### *Principle*

The aging population is growing suggesting that there is a demand for retention of care home facilities. If bringing a care facility back into use is not commercially viable, it will lead to demand for alternative uses. There is no specific local plan policy that seeks to retain existing care homes, but there is a drive through the social objective of paragraph 8(b) of the NPPF to support communities through a sufficient number and range of homes to meet present and future generations. This could be homes for anyone to support the needs of groups with specific housing requirements (para. 59) and size, type and tenure of housing needed for different groups in the community including families' older people and students for example. A mix of accommodation types may assist the objectives of paragraph 91 of the NPPF to deliver safe and accessible housing through the evenly spread of accommodation type and best use of land (para 118).

Whilst retention as a specialist care home is an objective and would complement the 'Getting Better Together: Choices - The Accommodation and commissioning Strategy for Adult Social Care (2018-2022)', the funding and incentive to deliver such a facility appears

to be lacking. The applicants advise that the site is no longer viable as a care home. Accordingly, the conversion to an alternative residential use that would meet different needs whilst bringing back a vacant property into use, would appear to be the most appropriate way forward considering the site is surrounded on both sides by residential use.

Policy H4 supports the use of vacant buildings for residential purpose if a clear improvement in the local environment would result. The improvement of existing housing stock can result in a worthwhile contribution to local housing provision and reduce the quantity of vacant premises and demand for fresh land (paragraph 5.5.30 of the Local Plan).

In support for the above policy, the property is vacant and has been for many years. This is highlighted in the representations from neighbours who support the proposed residential development. The property and site is considered too large to be reasonably expected to be accommodated by a single household and the conversion as proposed would be appropriate, subject to design amenity and highways considerations.

On this basis, where the premises would be brought back into use; provide a range of housing mix to meet demand; represent the conversion and extension of an existing property that already may be significantly extended (without further consent); and would have no adverse impact on residential amenity, no objection is raised to the conversion of the property to flats. The proposal would therefore accord with the objectives of Policy H4 of the Local Plan.

### *Design*

The existing property and plot is large and the surrounding character of large detached houses with various outbuildings, boundary treatment and extensions to the rear. The proposed alterations would respect the appearance of the property from both the highway and the rear of the site giving weight also to the approved scheme in 2016. The proposed dormer features and extensions at first floor and roof levels would be acceptable. The proposed extension to the rear would be large however in consideration of the siting of neighbouring outbuildings, height of boundary treatment and presence, no objection would be raised. Weight is also given to the land levels of the site and set back of the extensions off neighbouring side boundaries. The proposal would be considered to comply with Policy BNE1 of the Local Plan and the objectives of paragraph 124 and 127 of the NPPF.

### *Amenity*

The proposed alterations would have no significantly greater impact than the use as extended of the care home facility. In terms of built form, due to the siting, design, distance from both boundaries and scale of the development where screening measures are in place mean that the works overall would not compromise amenity. Due to the path of the sun and width of the plot, no significant loss of amenity would result from potential loss of



sunlight. There will be noise perhaps generated from the garden areas but not materially different from that of the existing use when at full capacity. Activity levels would be noticeable as the property has been vacant for some time but it is considered overall that the development would be acceptable when compared again to the existing use. Matters of potential loss of privacy may be mitigated by planning condition.

The proposed development would provide a good mix of flatted accommodation to meet a number of needs. Such a mixed form of accommodation with the rear units proposed to have small gardens and the remainder a share of communal space would make best use of the site and deliver a pleasant form of housing for all types. The floor space for each unit against the number of bedrooms proposed and the size of bedrooms would meet the National Technical Standards minimum floor space objectives. The layout has been designed to also give sufficient daylight and outlook with the nature being that a degree of overlooking within the site is acceptable to rear garden space. In terms of parking and proximity to bedrooms, parking allocation of spaces will be appropriate to rooms affected so that residents are in control of spaces next to their rooms. Due to the layout of the property, there is some crossover between the living areas on the ground, first and loft flats and the bedrooms below, the layout could cause disturbance through noise transfer. This may be mitigated by planning condition which would need to be implemented prior to occupation. The applicants have confirmed agreement to this. Refuse and cycle storage provision is indicated on the submitted drawings and can be secured by planning condition.

The proposal is considered to meet with Policy BNE2 of the Local Plan and the objectives of paragraph 127(f) of the NPPF.

### *Highways*

The proposal would result in changes to the access of the site with the provision of a centralised singular crossover off London Road. The proposed development would provide for 10 parking spaces within the front garden of the property that has currently hard surfaced. The parking would be on allocation basis to the flats. The applicant has committed to allocating the bays on amenity grounds and based on the bedroom number ratios. The level of parking would be sufficient to meet the Medway Interim Parking standards except with regards to providing visitor parking. It is considered however that the location of the site on the A2 makes it easily accessible by public transport and the provision of cycle storage would promote alternative modes of transportation.

In relation to ingress and egress, the position of the singular access would not cause harm or obstruction to the highway. As such, no objection is raised with regards to highway safety.

It is considered appropriate to require the existing frontage crossover points to be appropriately altered to soft verge balanced against the provision of a new crossover. This can be secured by condition. The site is also well served by public transport and

local amenities within walking distance and would provide for cycle storage to the side garden within lockable units.

Overall, the development would comply with Policies T1, T4 and T13 of the Local Plan and the objectives of paragraph 109 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 £239.61 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 applicants have agreed to pay this tariff through the SAMMs agreement. No objection is therefore raised under Paragraphs 175 and 176 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 comply with these tests for the reasons explained above.

### *Local Finance Considerations*

There are no local finance considerations

## **Conclusions and Reasons for Approval**

Taking the above matters into consideration, the proposal is considered to be acceptable on design, amenity and highways grounds and would comply with Policies S6, H4, BNE1, BNE2, BNE35, T1, T4, T13 of the Medway Local Plan, and the objectives of paragraphs 109, 124, 127, 175 and 176 of the National Planning Policy Framework 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Mrs Chambers.

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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://publicaccess1.medway.gov.uk/online-applications/>