

MC/18/3652

Date Received: 21 December 2018

Location: 36 Kingswood Road Gillingham Kent ME7 1DZ

Proposal: Change of Use of residential house (Class C3) to a 8-bedroom House in Multiple Occupation (Sui generis) use.

Applicant Mr Jamie Chapman

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Ward: Gillingham North Ward

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 20th March 2019.

Recommendation - Approved Subject to:

- A. Section 106
- i) Secure a sum of £1677.27 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:

Drawing numbers: 376/76 received on 24 December 2018, 376/102 Rev B and 376/103 received on 18 January 2019.

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

- 3 The lightwells hereby approved to serve each basement bedroom shall be completed prior to occupation of any of the room it serves and shall be maintained thereafter.

Reason: In the interests of amenity of the future occupiers of the basement bedrooms in terms of adequate provision of natural light and outlook 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.

- 4 Prior to occupation of the property provision shall be made for lockable secure storage for at least eight bicycles to be provided and located within the rear garden of the property and once installed, shall thereafter be maintained for the occupiers use.

Reason: To ensure that the use supports and promotes alternative mode of transportation, in accordance with Policies BNE1 and T4 of the Medway Local Plan 2003 and the objectives of paragraph 109 of the National Planning Policy Framework 2019.

- 5 Prior to occupation of the property refuse/recycling storage shall be provided on site to complement a Management Strategy for refuse to be submitted to and approved in writing by the Local Planning Authority. The storage and management strategy shall be implemented and thereafter maintained.

Reason: In the interests of amenity protection 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.

- 6 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.

- 7 The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: In granting this permission, the Council is aware of the sustainable location of the development and in other to ensure that the development does not result in additional strain on existing street parking subject to permits and to comply with Policy T1/T13 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 proposes the conversion of the existing 5 bedroomed dwelling to a house in multiple occupancy (sui generis) with 8 bedrooms. The application proposes alterations to the property including enlargement of the front lightwell and provision of a lightwell to the rear, basement level. The proposed use would be arranged as 2 bedrooms with en suite shower rooms in the basement, 2 bedrooms with shower and toilet facilities, a communal living/kitchen area on the ground floor, 3 bedrooms with en suite shower rooms on the first floor, and a bedroom with en suite shower room in the loft space.

No off street parking proposed.

Relevant Planning History

As a material consideration for this application, the following recent planning record sets a precedent for similar development in the area:

34 Kingswood Road

MC/16/1003	Retrospective application for the proposed Change of Use from 10 Bedroom Guest House (Class C1) into 12 bedroom Hostel (sui-generis) for temporary housing accommodation. Decision Approval Decided 22 September 2016
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Representations

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

8 letters of representations have been received (four from two households), objecting to the proposal on the following grounds:

- In adequate parking and increased parking competition for residents
- Residents have to park several roads away despite having a permit
- Litter generation
- Loss of privacy
- Noise associated with occupancy in particular the use of the rear garden by multiple short term tenants

- The street is already affected by nearby HMO uses in terms of disturbance
- The road is generally well cared for and Kingswood Road should continue to be a pleasant road

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

Principle

One of the core planning principles in the NPPF is to improve health and social wellbeing for all. Paragraphs 8b, 59 and 61 require local planning authorities to support a mix and range of housing that caters for demand for all types of housing in a sustainable way (paragraph 10). The proposal is for an 8-bedroom house in multiple occupation (sui generis).

An objective of policy for conversion is conditional that it would need to provide a good standard of accommodation, whilst minimising possible detrimental effects on neighbour's amenity. This can potentially be achieved by restricting HMOs to suitable properties in areas of sustainable location.

Policy H7 supports HMOs in areas of predominantly mixed use or commercial character; where increased traffic and activity would not be detrimental to local amenity; where the proposal would not adversely affect the amenity of neighbouring or nearby occupiers; where adjoining properties are in multiple occupancy or non-residential use (in the case of terraced properties); or where the property is too large to reasonably expect its occupation by a single household.

The application site is a terraced property with five bedrooms and storage at basement level. It also benefits from a loft conversion currently providing a room in the loft space. The property has undergone some renovations to all the rooms as well as providing a room in the basement (front of the building). Whilst the alterations to the property has resulted in increased bedrooms making it a larger dwelling within a predominantly medium sized dwelling area, the property would comply with the policy requirement in so far that it is too large to reasonably expect a single household occupation.

The layout could potentially accommodate up to sixteen residents and this could have amenity implications for neighbouring residents. The applicant has confirmed that they would accept a restriction of one person per room to avoid high occupancy levels for future residents.

The proposed use would be acceptable in that the character of the area is one of mixed residential uses including the adjoining properties being in multiple occupancy (hostel and flat conversion).

Parking is not available within the site and on-street parking is subject to control parking. However, the site is within short walking distances to Gillingham Railway Station, a public car park in Railway Street and Gillingham Town Centre. The location makes it well suited for the proposed use, similar development are present on the road, Nos. 34, and 38 are occupied as a hostel and flats (respectively).

Consequently, the proposed development is considered to be acceptable in principle and would comply with Policy H7 of the Medway Local Plan and paragraphs 8b, 59 and 61 of the NPPF.

Design

There are no significant design implications from the proposed development. The proposed increase to the front lightwell would not be readily visible from the street and would not affect the character or appearance of the property.

Therefore, no objection is raised and the proposal would accord with the objectives of Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

The property adjoins residential accommodation and is within a predominantly residential area.

Impact on neighbouring residents

The provision of 8 bedrooms subject to restriction by condition on the level of occupancy, would not have a significantly negative impact on the amenity of neighbouring occupiers. In addition, the adjoining properties are not currently single households and as such, the proposed development would be sited next to like uses thereby mitigating any adverse impact on amenity.

There would be a potential increase in the use of the rear garden given the potential activity levels from the existing use and use of properties either side of the site no objection is raised.

Future residents

The proposed room sizes would be generous on all levels and exceed the minimum floor space set within the National Technical Standards for double room sizes. In terms of outlook, both basement rooms would be provided with sufficient outlook and natural light. A large communal space is provided for eating and cooking at ground floor level, and the

occupiers would have access to a good sized garden for private sitting out, or socialising.

On this basis, no objection is raised with regard to amenity. The proposal would comply with Policies BNE2 and H7 and the objectives of paragraph 127(f) of the NPPF.

Highways

The site is close to a town centre location and Medway Councils Interim Parking Standards require the provision of one space per bedroom for the proposed use. Based on this criterion, the development would require eight parking spaces to be provided where the site has no off street parking. The existing use as a five bedroom dwelling would potentially require three parking spaces if the standards were applied to the existing use or as a new build. The standard may be relaxed taking into consideration the existing use and if within a sustainable location (which the site is).

The main issue is whether or not the proposed use would generate a greater parking demand than the existing use and if it does, what would be the consequences of this impact and could this be mitigated. No parking is provided so on street parking competition is a concern. The proposed development would increase occupancy levels which would cause harm in terms of competition for parking spaces at peak times where permit parking is available. This situation can be mitigated by preventing the future occupants from being able to obtain parking permit. The applicant has agreed to this. This combined with the sustainable location and public parking nearby would mean that the proposed development is unlikely to have a detrimental impact on parking in the local area. The proposal would comply with Policy T1, T4, 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 (SAMB) 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 paid this tariff as a SAMMs agreement for 7 units minus the existing dwelling. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Approval

Having regard to the Local Development Plan Policies and National Planning Policy, the proposal is considered acceptable with regard to the above mentioned considerations. The proposal is considered to be in accordance with Policies H7, S6, BNE1, BNE2, BNE35 T1,T4 and T13 of the Medway Local Plan 2003 and paragraphs 8, 10, 59, 61, 108, 109, 127, 175 and 176 of the National Planning Policy Framework 2019.

The planning application would normally be determined by delegated officers but is being referred to Committee for determination due to the number of representations received expressing views contrary to officers 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://publicaccess1.medway.gov.uk/online-applications/>