

MC/18/3624

Date Received: 19 December 2018

Location: 49 Wainscott Road Wainscott Rochester Kent

Proposal: Prior Approval for change of use from shop (Class A1) to three flats (Class C3)

Applicant Mr M Yildiz

Agent Mrs Tina McFadzean
The Joiners Shop
The Historic Dockyard
Chatham
Kent
ME4 4TZ

Ward: Strood Rural 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 - Prior Approval Not Required subject to :

- A. Subject to £718.83 towards Wildlife Mitigation
- B. And the following conditions:
 - 1 Prior approval is NOT required as the transport/highways, contamination, flooding, desirability of changing the use on adequate provision of shops and the design/external appearance implications of the change of use are not considered to be harmful including with regard to Policies S6, BNE1, BNE2, BNE23, BNE34, R10, T1, T13 and CF13 of the Medway Local Plan 2003 and paragraphs 56, 103, 109, 118 and 120 of the National Planning Policy Framework 2019.
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 18-104 024 P1 received on 19 December 2018, 18-104 021 P2, 18-104 022 P2 and 18-104 023 P2 received on 14 February 2019.

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

Recommendation - Prior Approval is not required

For the reasons for this recommendation please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This submission is a prior notification of a proposed change of use from (Retail) Class A1 to residential use into three flats (Class C3). The submission relates to the ground floor of the building only with the rear part of the building formerly used as a store not shown to have any changes proposed.

The applicant proposes the provision of three parking spaces to the rear utilising a rear courtyard and existing access direct from Wainscott Road.

Planning History

Prior notification for the part change of use of ground floor from Class A1 (shop) to Class C3 (dwellings)

Approved 10 May 2018

MC/18/0811 Change of use of ground floor from Retail (Class A1) to Hot food takeaway and restaurant (Class A3/Class A5) and installation of cooking extract flue to side elevation.
Appeal dismissed 9 November 2018

Representations

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

One representation has been received objecting to the proposal on the following grounds

- Inadequate parking
- No details have been provided of intentions of storage building area at the rear.

Frindsbury Extra Parish Council has no objection in principle for change of use from retail to residential. However, objection is raised on the following grounds:

- Over-development.

- Inadequate parking and poor access leading to adverse impact on highway safety and increased competition for parking on the highway.

Development Plan Policies

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 (the NPPF) and are considered to conform.

Planning Appraisal

Background

Prior approval has already been granted for use of the area shown as flat 1 under reference MC/18/0806. This has not commenced and so this scheme is for the development as a whole. Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)-(the GPDO) gives permitted development rights for the change of use of a building from a use falling within Class A1 to a use falling within Class C3 and for building operations reasonably necessary to convert the buildings thereto. Paragraph M.2 of the GPDO specifies conditions which must be complied with in respect of such permitted development. These include the need for the developer to apply for a determination as to whether or not the prior approval of the local planning authority will be required for a number of aspects, each of these to be assessed below.

Transport and highways impacts of the development

Parking on the highway is limited on the public highway but people do park on the road throughout the day and at peak times. This is more so experienced at peak school times. The flats would be provided with 1 car parking space each to the rear for use by the occupants of the flat which is slightly less than the Medway Residential Parking Standards that requires 1.5 car parking spaces for a 2 bed flat and 1 for a studio flat where a single space would be provided. However, the site is close served well by local amenities and has a bus stop to the front which provides very good public transport linkage to Strood Town Centre. In these circumstances, there are no objections with regard to the transport and highways impacts of the development including with regard to paragraph 109 of the NPPF and Policies T1 and T13 of the Local Plan.

Contamination risks in relation to the building

No concerns are raised with regard to contamination given that the proposal is for the conversion of the property only. The proposal is considered to accord with paragraph 180 of the NPPF and Policy BNE23 of the Local Plan.

Flooding risks in relation to the building

The site is not within a flood zone on the Environment Agency Flood Map and in these circumstances it is not necessary to consult them and the proposal is not considered to raise any significant flood risk concerns. There are no objections with regard to paragraph 163 of the NPPF and Policy CF13 of the Local Plan.

Desirability of changing the use on adequate provision of shops/the sustainability of key shopping areas

The site is located within the existing urban area surrounded by residential development. In this instance, the sustainability of a retail use in this location can be questioned as the property is protected as a whole within Policy R10 as a retail use within the village centre. However, this application is to utilise the rear part of the former Co-op store with the retail frontage retained. The Co-op has moved to larger premises within 5 mins walking distance to the north which has enhanced local provisions for the village and this store has remained vacant since. With local needs met and the conversion being to the rear of the building, no objection is raised to the proposal as set out. Also the site falls within a predominantly residential area with limited retail character. Accordingly, no objections are raised on these grounds when the objectives of Policy R10 are applied.

Design or external appearance of the building

There are no objections with regard to the design or external appearance of the building including the installation of windows and a front door to the side elevation and with regard to paragraph 124 and 127 of the NPPF and Policy BNE1 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 £239.61 per unit 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 paid this tariff through a SAMMs agreement for the three flats proposed. No objection is therefore raised under paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other matters

The proposed flats are not ideal in terms of amenity for future occupiers where they have a predominantly single aspect and are adjacent to an access road used by occupants of each flat. However, the amenity impact on future residents cannot be considered under this application where the development meets the set criteria of the legislation.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Recommendation for Approval

The development is considered to be permitted by virtue of the Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is not considered that prior approval is required, as the transport and highways, contamination, flood risk, services/shopping area and design/external appearance impacts of the development are considered to be acceptable with regard to Policies S6, BNE1, BNE23, BNE35, R10, T1, T13 and CF13 of the Medway Local Plan 2003, and paragraphs 109, 124, 129, 163, 175, 176 and 180 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 representation received from the Frindsbury Extra Parish Council 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/>