

MC/20/0533

Date Received: 26 February 2020

Location: 2-4 Canterbury Street Gillingham Medway ME7 5TS

Proposal: Change of use from office to HMO residential to provide 12 bedsits, single storey rear extension together with roof extension

Applicant Franklyn Estates,

Agent Opes Real Estate
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Chiswick Park
566 Chiselmhurst High Road
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Ward: Gillingham South Ward

Case Officer: Doug Coleman

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 24th June 2020.

Recommendation - Approval with 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 9294/SLP received on 11 March 2020 and drawings numbers 9294/02C and 9294/04A received on 26 May 2020.

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 No development shall take place above slab level until a scheme for protecting the proposed development from road traffic and commercial noise sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). 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: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The north-eastern and southwestern side boundaries of balconies serving units 6, 9 and 12 and the north-eastern and southwestern boundaries to the first floor amenity area as shown on approved drawing numbers 9294/02 Revision C and 9294/04 Revision A shall be a minimum of 1.8m in height and shall be obscure glazed to prevent visibility through. The boundary to the balconies and amenity area shall be installed on site prior to the first occupation of the unit to which they relate and shall thereafter be retained.

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

- 6 No part of the development shall be occupied until the refuse storage area as shown on approved drawing 9292/02C has been provided. The refuse storage area shall thereafter be retained.

Reason: In the interests of amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003 and Paragraph 127(f) of the National Planning Policy Framework 2019

- 7 No part of the development shall be occupied until secure private cycle parking in the form of individual lockers to be contained within the area shown on drawing number 9294/02/C has been provided. The cycle parking 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.

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

Proposal

2-4 Canterbury Street is a four-storey (including basement) mid twentieth century brick building, with a flat roof. Immediately on to the north is an imposing early twentieth century corner building, 77 High Street, which until recently was occupied as a bank. The application building was added as an extension to the bank.

This proposal is to change of use of the building from an office to a house in multi-occupation (HMO). It should be note that this application relates only to 2-4 Canterbury Street, whereas the previous application (MC/18/1957) included 77 High Street.

The proposal also involves the construction of a single storey rear extension measuring approx. 13m deep by approx. 6.3m wide. The extension would be built tight to the southern boundary, to 6 Canterbury Street, but with an approx. 2.3m gap to the northern boundary which would serve as a hard surfaced amenity space. The proposal also involves the building of an additional floor, increasing the height of the building from approx. 10m to approx. 12.3m. The extension would have a sloping roof with four dormer windows set into the roof frontage to Canterbury Street.

As originally submitted, the proposal was to provide 16 bedsits (6 on ground floor, 4 on first floor, and 3 each on the second and third floors). Following discussion with the applicant, the number of bedsit rooms has been reduced to 12.

The proposed layout (as amended) is as follows:

Proposed Basement Level:

Two communal areas, washing and drying area and storage.

Proposed Ground Floor Level

Communal area at front and three double bedsits (1 - 3) (2 x approx. 15.6 sq. m. and 1 x approx. 15.3 sq. m.) in the proposed rear extension. Two secure cycle areas would be provided. The main entrance is at this level and there is a secondary entrance serving a refuse/re-cycling area.

Proposed First Floor

Three double bedsits (4 – 6) (1 x approx. 12.9 sq. m., 1 x approx. 16.9 sq. m. and 1 x approx. 16.2 sq. m) at front, and 1 single bedsit (10) (approx. 11.2 sq. m.) at rear, plus w/c. Bedsit 6 would have an approx. 7m rear terrace. There would also be an approx. 52 sq. m. communal amenity area at first floor over the single storey rear extension.

Proposed Second Floor

Three x double bedsits (7, 8 and 9) (approx. 12.9 sq. m., approx. 16.8 sq. m. and approx. 16.4 sq. m.). The rear bedsit (9) would have an approx. approx. 7m terrace.

Proposed Third Floor

Three x double bedsits (10, 11 and 12) (approx. 12.9 sq. m., approx. 6.8 sq. m.) and approx. 16.4 sq. m.). The rear bedsit (16) would have an approx. 7m terrace.

All 12 units would be double bedrooms with en-suite and kitchenettes

Relevant Planning History

MC/18/1957	Change of use from bank to mixed use A1, A2, A3 or D1 at ground floor; conversion of office and storage space to residential together with part two storey part single storey extension to rear and extension to third floor to facilitate 3 residential dwellings Approved 28 September 2018
MC/16/2749	Prior Notification of a proposed change of use from A2 (financial and professional services) to Class A3 (restaurants and cafes) Prior Approval Required 22 August, 2016
MC/16/3765	Prior Notification of a proposed change of use from A (financial and professional services) to Class A3 (restaurants and cafes) Refused 26 October 2016
MC/16/3637	Change of use of ground floor from a bank (Use Class A2) to coffee shop (Use Class A3), Approved 28 October 2016

GL/97/0661/60/0280	Change of use to three flats Approved
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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.

No representations have been received.

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

The site is identified as being within the core retail area of Gillingham on the Proposals Map to the Medway Local Plan 2003. Policy R5 of the Local Plan states that within the Core retail area, Use Classes A1, A2 and A3 (Classes A4 and A5) and other uses appropriate to a District Centre, will be permitted provided they support the vitality and viability of the centre as a whole. Policy R12 of the Local Plan supports mixed use schemes within defined Core Areas, including Gillingham, providing they are on an appropriate scale and incorporate high design standards, and which contribute to the vitality and viability of the centre.

This building, although, within the core retail area, was not designed for a Class A1, A2 or A3 use and does not have a shopfront. It was designed to be used as ancillary office space to the neighbouring bank in Class A2 use and was accessed from that building. Furthermore the building does not front onto the High Street, but onto Canterbury Street, which is generally mixed use.

Policy H7 of the Local Plan supports dwellings in multiple occupation providing 5 criteria are met, all of which would apply to this proposal. Assessing the proposal against each of these criteria:

- The property is in an area with a predominantly mixed-use and commercial character.
- The property traffic and activity generated by the proposal would not be detrimental to local amenity.
- The property is not detached however, the adjoining properties are in non-residential use.

- The property has never been a dwelling and is too large to reasonably expect its occupation by a single household.

Paragraph 11 of the NPPF contains a presumption in favour of sustainable development, whilst Paragraph 59 seeks to boost the supply of housing. In addition, Paragraphs 85f of the states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and should encourage residential development on appropriate sites.

Having regard to the above considerations, the principle of residential development at this site is considered to be acceptable and would comply with Policy H7 of the Local Plan and Paragraphs 11, 59, 70 and 85 of the NPPF.

Design appearance and street scene

In design terms, the most significant impact would be the creation of an additional floor, creating a four-storey building to the Canterbury Street, frontage. Although it would increase the height in relation to the two-storey building to the south, it would still be lower than the four-storey building to the north. The details of the proposed extension has been designed to reflect that of the existing lower floors. The only other change to the elevational appearance of the frontage would be the introduction of two new doors, which have been positioned to correspond with existing window openings. The proposed rear extension would not be visible from the highway or from any public place and as such would not adversely impact on the appearance of the building.

Subject to an appropriate condition requiring the detailing and materials to match the existing building, the development would comply with Policies BNE1 and H4 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

The proposed HMO would have a Gross Internal Floor Area (GIA) of approx. 488 sq. m. There is no specific standard for HMOs in planning, but the GIA significantly exceeds the nearest comparable floorspace of 138 sq. m. for a three storey/six bedroom/eight person dwelling, as specified in the DCLG's Housing Technical Standard. This standard specifies a minimum floorspace of 7.5 sq. m. for a single bedroom and 11.5 sq. m. for a double bedroom. The proposal shows 12 double bedrooms with floorspaces varying in size from approx. 12.9 sq. m. to approx. 16.9 sq. m. Communal amenity space would be provided.

In addition to reducing the number of units, the amendments to the scheme have resulted in each unit having its own kitchenette, thereby reducing the need for communal kitchen and dining areas which were originally shown in the basement. Three communal areas have now been provided, two in the basement and one on the ground floor. The cycle storage area, which was originally to be located in the basement has been replaced by two cycle storage areas on the ground floor.

Having regard to the above considerations and to the changes made to the scheme, no objection is raised in terms of occupier amenity under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

There would be no detrimental impact in terms of loss of light or outlook as a result of the proposed development. There is however potential for overlooking from the rear balconies and the communal amenity space towards neighbouring properties. To address this the applicant is proposing a 1.8m high opaque glass screen around each balcony and around the amenity area, which can be conditioned to ensure privacy is protected.

A house in multi occupation (HMO) is likely to generate a greater level of activity than a single dwelling, However, having regard to the property's location on a busy main road in the town centre, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Noise

An acoustic assessment has been submitted with the application, which shows that the proposal would be exposed to noise from road transport and from existing commercial premises adjacent to the site. Satisfactory internal noise levels should be achievable through the careful specification of glazing units. Specifications have been provided for trickle ventilators; however, these will not be satisfactory for habitable rooms that may exceed the BS8233:2014/WHO internal noise criteria with windows open. This could be addressed by acoustically screened mechanical ventilation and will be required for the affected habitable rooms.

Plant noise could also have a potential adverse impact, which can be addressed by the provision of suitably specified glazing. The proposed plant area at the rear could impact on the ground floor units and further noise assessments would be required. Potential noise breakout from the roof lights on the ground floor could affect amenity.

Noise in external amenity space should comply with the criterion in BS8233:2014 without further mitigation being required.

All of the above matters can be addressed by appropriate conditions and no objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

Whilst normally one parking space would be required for each unit, having regard to the property's location in the town centre, on a bus route, and within walking distance of a railway station and local amenities, no objection is raised in terms of parking. Secure cycle storage is to be provided within the building. No objection is, therefore raised under Policies T1, T4 and T13 of the Local Plan and Paragraphs 105 and 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 £245.56 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 paid for 3 units (£718.83) on 9 August 2018 under application reference MC/18/1957 and have submitted the relevant form and paid the tariff for the remaining 9 units. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Low NOx boilers and electric car points will also be provided, while all hard standings will be self-draining.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities, all within walking distance to the proposed development mean the length of journey is minimal promoting walking and making it not

essential to own a car. Secured bike storage is shown to be provided. As such the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for Approval

Taking the above matters into consideration, the principle of the proposed development in this sustainable location would be acceptable and in accordance with the objectives of Policy H7 of the Local Plan and Paragraphs 11d, 59, 70 and 85 of the NPPF. Subject to appropriate conditions, no objections are raised in terms of design, amenity and highways and the applicant has agreed to make the appropriate contribution in respect of bird mitigation. The proposal would therefore comply with Policies BNE1, BNE2, BNE35, H7, T1, T4 and T13 of the Local Plan and Paragraphs 11d, 59, 108, 124, 127, 175 and 176 of the NPPF 2019 and is recommended for approval.

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

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/>