

MC/21/2643

Date Received: 9 September 2021
Location: 42 New Road Chatham
Medway ME4 4QR
Proposal: Change of use from a 6 person, 6 bedroom HMO (use class C4)
to a 7 person, 7 bedroom HMO (sui generis) - revision to
MC/21/1262
Applicant Synergy
Mrs B Hardinge
Agent Synergy Planning & Property Consultants Ltd
Mr J Bolton
The Office,
The Larches
Higham
Rochester
ME3 7NQ
Ward: Chatham Central Ward
Case Officer: Dylan Campbell
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 13th October 2021.

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:

Received 9 September 2021:

21/323/02 C - Proposed Floor Plans and Elevations.

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

- 3 The 7th bedroom herein approved shall not be occupied until a scheme of acoustic protection 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. 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: Required prior to occupation to ensure that the development does not prejudice the amenities of future occupiers of the property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The 7th bedroom herein approved shall not be occupied until the cycle storage facilities as shown on drawing number 21/323/02 C has been implemented and thereby retained in accordance with the approved details.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 5 The parking arrangements shall be managed in accordance with the Planning Statement received 9 September 2021.

Reason: to ensure satisfactory off-street parking in accordance with Policy 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 is for the change of use from a 6-bedroom, 6 person HMO (Use Class C4) to a 7-bedroom, 7 person HMO (Sui Generis). The proposal includes the installation of an en-suite to the proposed 7th bedroom in the loft space.

Relevant Planning History

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| MC/21/1262 | Change of use from a 6-bedroom (6 person) HMO (use class C4) to a 7-bedroom (7 person) HMO (sui generis). Decision: Refusal Decided: 4 August 2021 |
| MC/21/1478 | Details pursuant to condition 3 (Air Quality Mitigation), 4 (Acoustic protection) and 5 (Parking Management Plan) on planning application MC/20/3318 for Conversion of the basement rooms to create a studio flat Decision: Discharged Decided: 14 July 2021 |

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| MC/20/3318 | Conversion of the basement rooms to create a studio flat. Decision: Approval with Conditions Decided: 22 February 2021 |
| MC/20/2542 | Application for Lawful Development Certificate (proposed) for HMO for 6 persons under Class C4. Decision: Approval Decided: 30 November 2020 |
| MC/19/0606 | Change of use from a single residential dwelling to an 8-bedroom HMO. Decision: Withdrawn Decided: 17 July 2019 |
| MC/99/5832 | Change of use from office into a 5-bedroomed house Decision: Approval with Conditions Decided: 19 November 1999 |

Representations

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

No letters 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 2021 and are considered to conform.

Planning Appraisal

Background

Application MC/19/0606 for a change of use of residential house (Class C3) to an 8-bedroom HMO (Sui generis) use was withdrawn by the applicant following concerns raised by the LPA relating to the loss of a single-family dwelling in an area which appears to be characterised by single-family dwellings, contrary to Policy H7 of the Local Plan. The application did not include the basement of the property.

Application MC/20/2542 was for a Lawful Development Certificate (LDC) (proposed) for the change of use from residential dwelling (Class C3) for use as a 6-bedroom House in Multiple Occupancy (HMO) (Class C4). As this was an application for an LDC the matter was dealt with on the basis of an assessment of the permitted development rights, the issue of whether the uses comply or not with the development plan did not

apply in such circumstances. The application was approved on 30 November 2020 and the property is now occupied as a 6-bedroom HMO. The application did not include the basement or loft rooms.

Application MC/20/3318 was for a conversion of the basement rooms to create a self-contained studio flat. The application was approved 22 February 2021 but has not yet been implemented as there are outstanding conditions which are currently being considered under application reference MC/21/1478.

Application MC/21/1262 was for the change of use from a 6-bedroom, 6 person HMO (Use Class C4) to a 7-bedroom, 7 person HMO (Sui Generis). The application was recommended for approval with conditions and referred to Planning Committee for determination due to the number of representations received expressing a view contrary to officer's recommendation for approval with conditions. The application overturned and refused at Planning Committee on 21 July 2021. Members considered that the proposed bedroom 7 in the loft space with no direct access to a toilet/shower facility either en-suite or on the same floor level with the closest toilet/shower facility being located on the lower floor (first floor) and then as a shared facility with bedroom 6, would result in a unacceptably poor living accommodation for the intended occupants in an accommodation where all the occupants should reasonably expect to have either en-suite facilities or close access on the same floor level to personal shower/toilet. The proposal as such was considered contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 130 (f) of the NPPF.

This application (MC/21/1262) seeks to overcome this refusal reason by incorporating an en-suite bathroom into the proposed bedroom 7 in the loft space of the existing property.

Principle

The site is located in close proximity to Chatham Town Centre, but not within the Core Retail Area or under any specific designation. Policy H7 of the Local Plan refers to houses in multiple occupation, saying that they will be permitted subject to certain criteria.

In the current case it is considered that the site is in a relatively busy mixed-use but predominantly residential area close to the Town Centre. The existing property is currently in use as a 6-bedroom HMO on the ground and first floors, and the basement is subject to an extant planning permission for the conversion of the basement rooms to create a self-contained studio flat. Unlike a quiet residential street, the background noise and general activity levels are higher given the character of the area being on a major route through Medway. This application would result in one additional bedroom and occupant to the property. In these circumstances, although the property is not detached, it is too large to reasonably expect its occupation by a single family. To the left of the application site is Kingsway House, divided into 6 one-bedroom flats. Being one-bedroom flats, these can't be considered as family homes; further to the left of this block of flats is Number 48A New Road which is divided into two flats and to the left of that is a restaurant. To the right of the application site is a three-bedroom

terraced house with the adjacent terraced property to the right of this being two flats. There are also two other HMO's listed in this section of New Road, No 4 New Road and 32 New Road.

In the wider street scene, the mix of uses includes a range of commercial uses namely a pizza delivery takeaway, an office furniture shop, a doctor's surgery, a restaurant, a hairdresser's, a post office delivery office, large office building, offices within large buildings, funeral directors, hotel and restaurant, petrol station, church and telephone exchange together with formerly large houses divided into HMO rooms or into flat or with some used as single dwellings.

On balance the change of use to an HMO is considered acceptable in principle. It is noted that the NPPF supports the efficient use of land (paragraph 124) and the Council does not currently have a five-year land supply for housing (paragraph 74), such that paragraph 11 is relevant although this does not mean automatic approval and would be dependent on other relevant policies. The highways safety and amenity impacts will be considered below.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policy BNE12 of the Local Plan states that special attention will be paid to the preservation and enhancement of the character and appearance of Conservation Areas, as defined on the proposals map. Policy BNE14 of the Local Plan states that development with conservation areas should achieve high quality design which will preserve or enhance the areas historical/architectural character/ appearance following the criteria set out in the Local Plan. Additionally, paragraph 197 of the NPPF outlines the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

The site is located within the New Road Chatham Conservation Area. No external alterations are proposed. In these circumstances it is considered that the proposal would respect the character and appearance of the host and neighbouring properties and would preserve the character and appearance of the Conservation Area, in accordance with Policies BNE1, BNE12 and BNE14 of the Local Plan and paragraphs 126, 130 and 197 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed additional room on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Given that the proposal would not include any external alterations to the property, it is considered that the proposal would not detrimentally impact neighbouring residential amenities in terms of loss of daylight, sunlight, outlook or privacy. Furthermore, occupation of the loft space by one person is unlikely to result in significant additional noise and disturbance of neighbouring residents in the HMO or adjoining dwellings. The key consideration would be the amenities of the future occupier of the HMO.

Amenity of Future Occupiers

As a guide, the proposed bedroom has been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard).

The proposed second floor plan shows the bedroom measuring approx. 8.4m² and the Planning Statement confirms that the proposal would be a single occupancy bedroom. The bedroom would be provided with adequate outlook and daylight. The occupant would have direct access to a private en-suite, accessed via the future occupier's bedroom on the second floor, and an approx. 12.5m² living room and an approx. 12.5m² kitchen on the ground floor. It is considered that the communal space would be sufficient in terms of occupier amenities for the proposed number of occupants. Lastly, there is a large rear garden area to serve the property.

Traffic noise in this location is significant and it is considered necessary to improve the sound insulation of the windows to protect future residents. This has been done sympathetically with other properties along New Road by installing secondary glazing. If planning permission was to be forthcoming a condition relating to the submission and approval in writing by the LPA of a scheme of acoustic protection. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings.

Subject to the above conditions it is considered that the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

The Planning Statement outlines that a car parking survey was carried out in 2019. This survey identified that at the three survey times per day during a weekend and working days there are available parking spaces to the front in New Road. It also noted that there are two large public car parks to the rear of the property (Upper Mount Car Park and Lower Mount Car Park) which are open 24 hours a day and which had spaces available at all times inspected. An annual parking ticket for Upper Mount car park can also be purchased.

However, concerns remain regarding increased on-street parking competition on New Road, which this proposal would potentially contribute to. Parking controls are

widespread in the local vicinity. Therefore, the applicant has provided a parking management scheme within the Planning Statement, whereby the future occupant of room 7 would be allocated a parking space to rear within the site and would not be allowed to apply for a parking permit for New Road.

Subject to the above condition, the proposal would not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies H6, T1 and T13 of the Local Plan and paragraph 111 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 £253.83 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 paid this tariff and have submitted a completed SAMMs mitigation contribution form as part of the previously refused application MC/21/1262. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reasons for Approval

The proposed change of use would respect the mixed character of the street scene, it would not result in a detrimental impact the occupier or neighbouring residential amenities, it would provide adequate occupier amenities and would not impact highways safety. The proposal is in accordance with Policy S6, BNE1, BNE2, BNE12,

BNE14, BNE35, H7, T1, T13, of the Medway Local Plan 2003 and paragraphs 11, 60, 111, 126, 130, 180, 181, 186 and 197 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the previous overturn and refusal of MC/21/1262 at Planning Committee.

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/>