

MC/22/2609

Date Received: 2 November 2022
Location: 346C High Street Chatham
Medway ME4 4NP
Proposal: Change of use of ground floor shop into one flat.
Applicant Mr T Singh
Agent Building Drawings
Mr Desden Harman
124A North Road
Hythe
CT21 5DY
Ward: River Ward
Case Officer: Hannah Rusbridge
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 8th March 2023.

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 21 November 2022:

22079TS-PP-S-(13)03 Proposed Block Plan

Received 16 January 2023:

22079TS-PP-P-(03)01 Rev A Proposed Plans and Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No development above slab level shall take place until details 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 until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be 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 (LAmax) 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: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The refuse storage arrangements including provision for the storage of recyclable materials, as shown on drawing number 22079TS-PP-P-(03)01 Rev shall be implemented on site prior to the first occupation of the flat herein approved. The approved storage arrangements 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.

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 full planning permission involving the conversion of the ground floor from retail to residential use.

The proposal would result in a one bedroom, one person flat comprising a living/dining room, a bedroom, a kitchen, a shower room and storage.

The basement access would be blocked off internally and a new access door will be added externally. External changes to the ground floor level of the building would be undertaken using brickwork and white framed UPVC windows.

Relevant Planning History

MC/05/2215 Retrospective application for installation of security shutters to front.

Refusal, 11 January 2006

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Rochester Airport Ltd, have also been consulted.

2 letters of objection have been received outlining the following concerns:

- Removal of the shopfront
- Poor quality design

The Arches Neighbourhood Forum have objected with regard to the design being out of character with its surrounding and of poor quality. They refer to the emerging Arches (Chatham) Neighbourhood Plan which states that proposals should respect the scale, density and identified valued characteristics of the Neighbourhood Area, as well as stating that the design code requires surviving original Victorian and Edwardian shopfronts to be maintained and retained.

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 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Principle

The application site is in the urban area of Chatham High Street, however, is located outside of the Chatham Core Area. Therefore, there is no objection in principle to the conversion of the shop to a residential unit in accordance with Policy H4 of the Local Plan which supports the change of use of existing buildings no longer required for non-residential purposes to residential. Paragraphs 119 and 120 of the NPPF also encourages the effective use of land, mixed uses, development of brownfield sites and converting space about buildings.

Design

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF asserts that

developments should be refused where poor design fails to take opportunities available for improving the character and quality of an area and the way it functions.

Policy BNE1 of the Local Plan also seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area and Policy H4 of the Local Plan also states that a clear improvement in the local environment must result from redevelopment.

The application site is the end terrace of a row of 6 properties which are commercial use at ground floor and residential at first floor. The external alterations are considered to be relatively minor with the replacement of the shopfront. The shopfront has no particular design merit and subject to the use of appropriate materials, the proposed changes to the front elevation will enhance the building and will be in keeping with the other terraced properties in the area.

A condition is recommended for materials to be submitted in relation to the ground floor works.

The proposal is considered to be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling 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 130f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

The main consideration would be the impact on the amenity of neighbouring properties in terms of outlook, sunlight, daylight and privacy.

The level of activity would be less than that associated with the existing shop, and therefore there would be no adverse impact on adjoining properties in terms of noise and disturbance.

Future Occupier Amenity

The proposed dwelling has been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed flat would have a gross internal floor area (GIA) of approx. 44m² which exceeds the minimum GIA of 39m² required for a one bedroom, one person dwelling. No external private amenity space has been provided, however, the Medway Housing Design Standards state that this can be compensated internally if the GIA exceeds the national space standards by 5m². All habitable rooms are provided with adequate outlook.

Therefore, there is no objection with regard to Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

No parking off street is provided for either the existing use or for the proposed use. However, the Council's standards note that reductions will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance. The site is located close to the centre of Chatham within a well linked bus route to allow access to its service facilities and further public transport links. It is also noted that the site has the benefit from local facilities along Chatham High Street within walking distance. No objection is raised in terms of parking standard and to Policies H4, 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 £275.88 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Approval

It is considered that the details of the proposal are acceptable. There would be no detrimental impact with regard to design, amenities of future occupiers, neighbouring residential amenities or highways safety. The application is in accordance with

Policies BNE1, BNE2, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 111, 119, 120, 126, 180 and 181 of the National Planning Policy Framework 2021.

The application would normally be determined under delegated powers but is being referred for Committee determination due to a representation received from the Arches Neighbourhood Forum.

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/>