

MC/23/1487

Date 5 July 2023
Received:
Location: 101 Weston Road Strood Rochester Medway
Proposal: Conversion of 6-bedroom HMO Class (C4) to 7-bedroom HMO Class (Sui Generis).
Applicant Mr Jassal

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Ward: Strood North & Frindsbury
Case Officer: Amy Shardlow
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Number:

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 27th September 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 5 July 2023:

Site Location Plan
PL-01 Rev B Proposed Floor Plans

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

- 3 The house of multiple occupation hereby approved shall be occupied by a maximum of 7 people.

Reason: To regulate and control the number of occupants of the property in the interests of the amenities of neighbouring properties and of occupants of the site itself which has limited communal facilities, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 Prior to the first occupation of the additional bedroom details of cycle storage facilities shall be submitted to and approved by the Local Planning Authority. The approved cycle storage facilities shall be implemented, prior to occupation of the additional bedroom, in accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to 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

This application seeks full planning permission for the conversion of the existing building from a 6-bedroom (6 person) HMO (class C4) to a 7 Bedroom HMO (Sui Generis).

The ground floor would comprise of 2 no. bedrooms each with ensuites, kitchen, living room and hallway with access down to the utility room located within the basement. The first floor would comprise of 3 no. bedrooms each with their own ensuites and located on the second floor is 2no bedrooms again each with their own ensuites. The additional bedroom has been provided within the ground floor, which was shown for only 1 bedroom with ensuite in the approved Lawful Development Certificate application.

Access to the rear garden is via the living room located at ground floor level.

The alterations to the roof have already been undertaken in accordance with the Lawful Development Certificate approved on 21 June 2023.

Relevant Planning History

MC/23/1000	Application for a Lawful Development Certificate (proposed) for change of use from residential (Class C3) to 6-person house in multiple occupation (Class C4) together with construction of a L shaped dormer window to rear and installation of roof lights to front to provide additional living accommodation within roof space. - removal of chimney stack. Decision: Approved Decided: 21 June 2023
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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.

16 letters of objection have been received objecting to the development on the following grounds:

- Concerns regarding increased traffic congestion.
- No consultation to the Lawful Development Certificate for the property to be used as a 6-bedroom HMO (C4 use class).
- Insufficient parking proposed.
- Concerns regarding sewage capacity.
- Refuse and Recycling facilities.
- Overdevelopment/ Over intensification.
- Noise concerns.
- Overlooking.
- Anti-social behaviour.

The applicant has responded to the letters of objection as follows:

- **Lots of HMO's already in area** - The property is already an HMO as it was established this was a permitted change of use through the Lawful Development Certificate. 1 additional person will not affect the number of HMOs in the area.
- **Consultation** - The change of use of the property was undertaken through the properties permitted development rights and this is why people were not consulted.
- **Sewage** – The property will already serve 6 people under its permitted development rights; 1 additional person would not affect the drainage and sewage system. The drainage has been designed to accommodate those in the property.
- **Smoking of illegal substances** – This issue can occur anywhere and would form part of HMO management.
- **Rubbish** – 1 additional person does not contribute much comparable to what would be produced by 6 residents. Bin storage is included in the proposal.
- **Overdevelopment** – The construction of a dormer window is lawful and has already been approved by the council.
- **Parking problems** – Most HMOs are located within walking distance of local amenities and transport links therefore parking is not needed. HMOs are typically occupied by young professionals or students with limited access to cars, the occupiers will be aware of the parking spaces available, and this will be a consideration for them. HMO's typically have lower car use and ownership than private residential homes.

- **Bike storage** will be provided for the proposal to support the use of alternative transport such as walking, bicycling and use of public transport.

Southern water has advised that they require a formal application to connect to public foul and surface water sewerage system. They advise that a sewer deemed to be public could be crossing the development site and that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

Background

As listed in the relevant planning history application MC/23/1000 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) along with the construction of a L shaped dormer. 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 21st June 2023.

The current application is therefore to provide 1 additional bedroom with ensuite within the ground floor area.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the paragraphs within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

The proposal site is located within close proximity to Strood Town Centre but not within the Core Retail Area or an area 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:

- Property is in a mixed character area.
- Increased traffic would not be detrimental to amenity.
- The property is detached, or the use would not adversely affect amenity.
- Where not detached, there are other HMOs in close proximity.
- The property is too large to be used for family accommodation.

In the current case it is considered that the site is in a relatively busy mixed-use area close to the Town Centre, with nearby uses including a beauty salon, pub, convenience store, hairdressers, and other HMOs within the vicinity, along a relatively busy road with pedestrian and car traffic.

Unlike a quiet residential street, the background noise and general activity levels are higher than in the majority of residential streets. The property has recently changed use to a small share house (Class C4), occupied by 6 people. The current application would result in one additional bedroom. In these circumstances, although the property is not detached and, whilst large, could still be occupied by a single household, on balance the change of use to an HMO is considered acceptable in principle.

There is no objection with regard to the principle of the development when considered against the above policies and paragraphs in the Local Plan and NPPF.

Design

Paragraphs 126 and 130 of the NPPF emphasise 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.

The proposal would not include any external alterations and therefore no concerns would be raised in this regard, in accordance with Policies BNE1 of the Local Plan and paragraph 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposal 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 proposal is for a change of use only. The external alterations to the roof, including dormer, have been undertaken in accordance with permitted development rights. Therefore, the proposal would not result in an impact in terms of a loss of sunlight, daylight, outlook, or privacy. Whilst there is likely to be some increase in comings and goings to the property, the proposal would result in only one additional occupant to the dwelling, and given its location in a busy, mixed-use area, close to transport links, it is considered unlikely to result in harmful levels of noise and disturbance to neighbouring properties over and above what would be expected in this location.

A condition is recommended to restrict the number of occupants within the property to seven in order to control the noise and disturbance further occupants may have on the neighbouring residential amenity.

Amenity of Future Occupiers

The proposal has been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). Each of the of rooms would meet the minimum area and width requirements and each bedroom has its own ensuite. The communal living room would measure approx. 9.2m² and the kitchen would measure approx. 14.4m². Also included is a utility room/area within the basement. It is considered that the communal space would be sufficient in terms of occupier amenities for the proposed number of occupants.

The additional bedroom is shown on the proposed ground floor plan and shows the bedroom measuring approx. 7.8m². The bedroom would be provided with adequate outlook and daylight. The occupant would have direct access to a private ensuite, accessed via the future occupier's bedroom on the ground floor, and the living room and kitchen also located on the ground floor. Lastly, it is considered that there is a large rear garden area to serve the property.

Overall, with the abovementioned condition imposed, it is considered that the addition of one further bedroom and occupant at the property would not cause significant harm in terms of neighbouring amenity and would be in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Whilst the site does not have the facility to provide off-street parking, the site is located close to the retail centre of Strood, within walking distance of a variety of shops and facilities, employment opportunities and good public transport links. Given its sustainable location, it is not considered that an additional occupant at the property would result in any unacceptable impact to highway safety or highway function that would be sufficient to warrant refusal of the application.

A condition is recommended to ensure cycle storage facilities are provided on site. Subject to this condition, the application is considered acceptable with regard to Policy T4 of the Local Plan.

Subject to the recommended conditions the proposal is considered to be acceptable in highway terms and in accordance with Policies T1, T4 and T13 of the Local Plan and paragraphs 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 £314.05 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 confirmed that subject to approval of the application the SAMMS Mitigation Contribution Agreement and payment will be paid and agreed, therefore subject to this no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reasons for Approval

The principle of the conversion of the property from a 6-bedroom (6 person) HMO (class C4) to a 7 Bedroom HMO (Sui Generis), would not impact negatively on the housing mix

in the area. The proposed development would respect the character of the area and existing and neighbouring residential amenity, and there would be no additional unacceptable impact on highways or parking. The proposal would comply with the provisions of Policies BNE1, BNE2, BNE35, S6, T1, T4 and T13 of the Medway Local Plan 2003 and paragraphs 11, 111, 130, 130F, 180, and 181 of the NPPF, therefore, is considered acceptable.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval.

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/>