



Delegated Report

Change of Use Application Listed Building Consent

Application No:	20220756 - Change of Use Application 20220757 - Listed Building Consent
Location:	56 Windmill Street, Gravesend, Kent, DA12 1BB
Description:	20220756 - **REVISED DESCRIPTION** Change of use of building from a residential institution (Use Class C2) to a 6 bedroom HMO (House in Multiple Occupation) (sui generis) with communal facilities and staffing areas to provide short-term supported accommodation 20220757 - **REVISED DESCRIPTION** Application for Listed Building Consent for the change of use of building from a residential institution (Use Class C2) to a 6 bedroom HMO (House in Multiple Occupation) (sui generis) with communal facilities and staffing areas to provide short-term supported accommodation
Applicant:	Ms Carol Webster, Gravesham Sanctuary CIO
Site Visit:	N/A Desktop Assessment

Procedural Issue

The application was originally submitted sought permission for a 7 bedroom HMO (House in Multiple Occupation), however comments from GBC Private Housing raised concerns with the kitchen facilities. The agent was contacted regarding this matter and the number of bedrooms within the HMO was reduced to 6. Therefore, the application description has been changed by the Local Planning Authority to accurately describe the revised scheme:

*20220756 - ****REVISED DESCRIPTION**** Change of use of building from a residential institution (Use Class C2) to a 6 bedroom HMO (House in Multiple Occupation) (sui generis) with communal facilities and staffing areas to provide short-term supported accommodation*

*20220757 - ****REVISED DESCRIPTION**** Application for Listed Building Consent for the change of use of building from a residential institution (Use Class C2) to a 6 bedroom HMO (House in Multiple Occupation) (sui generis) with communal facilities and staffing areas to provide short-term supported accommodation*

Site Description

56 Windmill Street is a Grade II listed building located on the eastern side of the highway, within the Upper Windmill Street Conservation Area. The property forms part of a terrace with five properties all of the same character and all of which are listed buildings.



The listing description for the terrace is as follows:

“A mid C19 terrace, not uniform. 3 storeys and basement stock brick, Nos 55, and 57 stuccoed. No 55 rendered. Parapet. Mainly moulded eaves cornice. 2 sashes to each with glazing bars intact. Nos 56 and 57 have moulded Italianate architraves with cornices and brackets to the 1st floor windows and cast iron balconettes. Nos 56 and 57 have rusticated ground floors. Round-headed windows to ground floors. Simple round-headed doorcases to Nos 58 and 59. Nos 56 and 57 have doorcases with cornices and pilasters. No 55 has a simple moulded surround. Cast iron balconettes to ground floor of Nos 56 and 57. Some cast iron railings and steps to street.”

Submitted Documents/Plans

Application Form (20220756) - dated 07/07/2022;

Application Form (20220757) - dated 07/07/2022;

Supplementary Information - Planning, Design and Access, and Heritage Statement (dated 04/07/2022);

Supplementary Information - Photographs (dated 05/07/2022);

Supplementary Information - Sanctuary Staffing Management Plan;

Drawing no. D-01 - Rev. A - Site Location Plan and Floor Plans as Existing;

Drawing no. D-02 - Rev. E - Floor Plans as Proposed;

Drawing no. D-03 - Elevations and Section as Existing;

Drawing no. D-04 - Elevations and Section as Proposed;

Drawing no. D-05 - New Railing Details as Proposed.

~~Drawing no. D-02 - Rev. C - Floor Plans as Proposed - SUPERSEDED;~~

~~Drawing no. D-02 - Rev. D - Floor Plans as Proposed - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20120328	Change of use of first, second and third floors from D1 to class C2 residential institution.	PERMITTED	07.06.2012
20090089	Change of use of property to D1 community and counselling use.	PERMITTED	14.04.2009
20080269	Erection of an additional one bedroom ground floor flat within the flats currently under construction at the rear of 56-61 Windmill Street.	PERMITTED	20.05.2008

19960891	Erection of a single storey building at the rear to form a workshop and store.	PERMITTED	30.09.1997
19860726	Erection of two storey building to form covered parking area and carpenters workshop with offices and wc over	PERMITTED	19.02.1987
19860727	Application for Listed Building Consent for demolition of workshop in connection with rebuilding	PERMITTED	19.02.1987
19830734	Application for Listed Building Consent for erection of two storey rear extension to form toilet accommodation with bathroom over and internal alterations	PERMITTED	14.11.1983
19830637	Erection of two storey rear extension to form toilet accommodation with bathroom over	PERMITTED	14.11.1983

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 - Gravesham Town Centre Opportunity Area
- CS12 - Green Infrastructure
- CS14 - Housing Types and Sizes
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 - Increasing the Housing Stock by the Conversion of Existing Buildings
- H6(iii) - Provision to Meet Special Housing Needs
- P3 - Vehicle Parking Standards
- TC2 - Listed Buildings
- TC3 - Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

Other material considerations

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Council also has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment, which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guidance (2021)
- Gravesend Town Centre Conservation Areas Management Plan (2009)
- Upper Windmill Street Conservation Area Character Appraisal (2009)

Other relevant guidance

- Technical Housing Standards - Nationally Described Space Standards (2015)
- Working in Partnership: Guidance to HMO Amenity Standards (2006)

Consultations, Publicity and Representations

External Consultees

Local Ward Councillors - No comment received.

Internal Consultees

GBC - Conservation Officer - The proposals generally follow the pre app advice.

Regarding any internal alterations and additional doors, these should be plane 4 panelled (no mouldings) and are likely to require a fire rating. There are standard fire rated four panelled fires doors available, and details should be submitted and can be dealt with by condition at a scale of 1/10 and full size, showing door lining and architraves.

Not adverse comments subject to internal joinery details being approved.

GBC - Private Housing

Comment on original plans (05/08/2022) - After reviewing the proposed plans D-02 Rev C, we note the following HMO Amenity Standards are yet to be achieved.

It is suggested the applicant revisits the HMO Amenity Standard Guidance [Guidance to HMO Amenity Stand... \(gravesham.gov.uk\)](#)

Initial observations identified from the proposed plans D-02 Rev C:

- Communal kitchen located to the ground floor is undersized for 7 occupants. Communal kitchens where there are 7 occupants are to achieve at least 11m².
- Communal kitchen located to the ground floor appears to lack cooking facilities for 7 occupants. Requirement for a 4-ring burner, an oven and a grill per 5 occupants. *(a 27-litre microwave with a grill may be acceptable as a second cooker).*
- Communal kitchen located to the ground floor lacks addition sink provision for 7 occupants. A sink with constant hot and cold water and a draining board per 5 occupants *(a dishwasher may be acceptable as a second sink).*
- Communal kitchen located to the ground floor requires at least 600mm x 3000mm of usable worktop for 7 occupants.
- Shower cubicle in Bedroom 1. Sani flo system not recommended due to unreliability. Removal of the shower unit would result in 1 additional wash facility being required. Where the cubicle is to remain in the bedroom, adequate extraction/ventilation measures would need to be implemented.
- Electrics located in Bedroom 1. Access to consumer units and utility meters is to be made accessible for all, 24/7. Electric meters and consumer units are to be relocated out of bedrooms to within the common parts. Housed within a fire rated unit achieving at least 30-minute fire rated protection to the means of escape.
- The bedrooms are of adequate size for HMO licencing purposes, as are the communal dining and living spaces.

Additional required works may become apparent during the licencing process. The list of works items identified is not exhaustive.

Comment on revised plans (09/09/2022) - Thank you for your recent consultation request regarding the above-mentioned revised proposal.

After reviewing plan D-02 Rev D, with the proposed occupancy numbers being reduced to 6 (Six), our initial observations identified are as follows:

- Communal kitchen located to the ground floor is of adequate size for 6 occupants
- Communal kitchen located to the ground floor, requirement for a 4-ring burner, an oven and a grill per 5 occupants. *(a 27-litre microwave with a grill may be acceptable as a second cooker).*
- Communal kitchen located to the ground floor, the addition of a dishwasher is acceptable for 6 occupants.
- Relocation of Bedroom 1 to the first floor has been noted.
- The bedrooms are of adequate size for HMO licencing purposes, as are the communal dining and living spaces.

Additional required works may become apparent during the licencing process.

We'd welcome a conversation with applicant regarding the above, or a visit to the site if thought helpful.

GBC - Waste Manager - The property is a 7 bedroom HMO so the property requires space for a minimum of 2 x 240ltr bins for each material type (refuse and recycling). To allow for food waste there needs to be

space for 3 x 23ltr food caddies

I have detailed below the measurements of each type of bin.

Capacity	240ltr Recycling Bin	23ltr Food Caddy
Length	585mm	380mm
Width	740mm	290mm
Height	1100mm	405mm

GBC - Highways Officer - This is an edge of centre property, so no car parking is required. The provision of 5 cycle spaces is welcomed, ideally there should be one space per bedroom, but given the nature of the occupier it is doubtful that all seven spaces would be required. (one per bedroom SPG4).

Neighbouring properties

20220756 - An advert was published in the local paper and a notice was displayed on site.

In addition, eleven surrounding properties were consulted and no representations were received. The consultation period expired 30th September 2022.

20220757 - An advert was published in the local paper and a notice was displayed on site. The consultation period expired 30th September 2022.

Officer's Analysis

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published here), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02, of Gravesham's Local Plan Core Strategy (LPCS) (2014), must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and

any other considerations material to the proposed development.

The Proposed Development

This application proposes a change of use of an existing care home (Use Class C2) into a house in multiple occupation (HMO) (Sui Generis) for up to seven persons. The building will contain communal facilities and staffing areas to provide short-term supported accommodation.

The proposed HMO consists of the following:

- 6 single bedrooms (one including shower cubicle)
- Lounge
- Dining room
- Kitchen
- Office
- 2 w.c.
- Bathroom & w.c.
- Shower room & w.c.

Suitability for Conversion and Change of Use

The application site has been in use as a residential care home for the elderly since 2012. The existing use falls under the C2 of the Town and County Planning (Use Classes) Order 1987 (as amended) and has 6 bedrooms.

As the property is already a non dwellinghouse use, Policy C14 (Housing Type and Size) (LPCS) and saved Policy H5 of Gravesham's Local Plan First Review (1994) are not relevant to this application. However, consideration must be given to the suitability of the property and it's for conversion to a residential HMO (Sui Generis).

The application property is located in close proximity to the town centre, in an area where many properties have been converted into flats and maisonettes, or HMOs. Windmill Street is a busy arterial route into and out of the town carrying relatively large volumes of traffic. The application property is relatively large, covering four floors and could be considered large for single family occupation. Moreover, the size and internal arrangement would qualify as appropriate for conversion given it is in excess of two storeys and has more than 6 habitable rooms.

Therefore, it is considered that the building is appropriate for conversion into smaller units. However, the property is not licensed as a HMO, this must be completed prior to first use and can be achieved by following the link below:

<https://www.gravesham.gov.uk/licensing/houses-multiple-occupation-1>

Design, Character and Appearance

Development proposals within Conservation Areas should preserve or enhance the character and appearance of the area. In this instance property falls within the Upper Windmill Street Conservation Area. The proposal will not involve any alteration to the front elevation of the property, but proposes the removal of a window on the rear outrigger extension. The outrigger is a later extension to the building and therefore is not a consideration for the Listed Building, and there is no objection to this in terms of design as the rear of the property is not visible from any public vantage point. Nevertheless, a condition will be attached to ensure that the brick used to fill the window will match the existing brickwork on the outrigger.

Overall, the proposed development will not materially impact the external character or appearance of the property or the Upper Windmill Street Conservation Area, and is in accordance with statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) (LPCS), saved Policy TC3 (Development

Affecting Conservation Areas) of Gravesham's Local Plan First Review (LPFR) (1994), as well as Sections 12 and 16 of the NPPF (2021).

Impact on the Listed Building

The proposed development will not alter the historic fabric of the building, with only modern partitions to be adapted or installed to create usable rooms within the HMO. The Conservation Officer has raised no objection to the development, subject to conditions being attached to ensure that the new doors are plane 4 panelled (no mouldings) and relating to door linings and architraves.

Overall, subject to conditions, the proposal would not cause harm to the character or architectural or historic interest of this Grade II Listed Building or the setting of the neighbouring cottage and in this respect would be compliant with Policies CS19 and CS20 of the Local Plan Core Strategy (LPCS) (2014) and saved Policy TC2 of the Local Plan First Review (1994).

Residential Amenity

Having established that the site is located in an appropriate area for conversion, the key to ensuring a satisfactory living environment can be achieved for future occupants. Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.

The amenity of future occupants is also safeguarded in Policy H5 (iv) which requires proposals for the conversion of existing dwellings to have regard to the adopted Residential Layout Guidelines (RLG) (2020)

Internal living space

In relation to the internal living space, the Councils RLG (2020) and Nationally Described Space Standards (2016) which set out minimum internal areas for new dwellings based on the level of occupancy, bedrooms size and number of storeys. However, these relate more to flat conversions rather than HMOs.

The Council's own adopted guidance on HMO amenity standards includes a more appropriate room sizes for this application type. For a one person until there should be a minimum floor area of 6.5m²:

	Unit Size (m ²)
1 <i>First Floor Front</i>	19m ²
2 <i>First Floor Middle</i>	12m ²
3 <i>First Floor Rear</i>	8m ²
4 <i>Second Floor (left)</i>	7.5m ²
5 <i>Second Floor (right)</i>	8.5m ²
6 <i>Third Floor</i>	14m ²

Table 1 - HMO room breakdown

Table 1 shows that all of the bedrooms would exceed the 6.5m² size requirement for single bedrooms.

The HMO amenity standards guidance provides minimum standards for kitchens/dining areas:

Where the Kitchen is shared by occupiers	Number of Persons				
	1 – 3	4	5	6	7-10
Kitchen (minimum)	5m ²	6 m ²	7 m ²	9 m ²	11m ²
Dining Area	2 m ² per person is recommended				

There is no concern with the communal dining or living spaces proposed.

However, the kitchen has an area of 9m² and will be shared by 6 persons living in the HMO, as well as the staff.

Gravesham's Private Housing Team have reviewed the revised plans and provided the following comments:

- Communal kitchen located to the ground floor is of adequate size for 6 occupants
- Communal kitchen located to the ground floor, requirement for a 4-ring burner, an oven and a grill per 5 occupants. (a 27-litre microwave with a grill may be acceptable as a second cooker).
- Communal kitchen located to the ground floor, the addition of a dishwasher is acceptable for 6 occupants.
- Relocation of Bedroom 1 to the first floor has been noted.
- The bedrooms are of adequate size for HMO licencing purposes, as are the communal dining and living spaces.

It is noted that some of the bathrooms/w.c. proposed within the HMO have no natural light or ventilation. Gravesham's Residential Layout Guidelines (2020) states that wherever practical, that all kitchens and bathrooms shall have openable windows. Therefore, the proposal is contrary to this recommendation. However, the guidance only gives a recommendation, 'where practical', and as such this is not sufficient grounds to refuse the application. Moreover, the extraction for the ensembles will be covered by building regulations.

External Amenity

In terms of external space, the property has a small rear garden with a depth of 5.35m and an area of approximately 7m². There is no requirement for private amenity space within the HMO guidance and therefore the small private area is considered to be positive. Moreover, the property is not far from open green spaces such as the Windmill Gardens. Therefore, the proposal is considered to offer a small, but acceptable external amenity space.

Neighbouring Amenity

There is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure.

Summary

Overall, the proposed conversion provides satisfactory standards of living accommodation and accords with the HMO Amenity Standard Guidance. In addition, there will be no adverse impact on the amenities of future occupiers or neighbouring occupiers. As such, the proposal safeguards the residential amenity in accordance with Policy CS19 (LPCS), Section 12 of the NPPF and specifically the guidance on HMO amenity standards.

Parking and Highways

The site is in a central location in the town where public transport links are good and there are sufficient

parking restrictions in the locality and public car parks available nearby. There are no parking spaces available on site. There is a secure cycle store proposed on the front of the property, which will provide spaces for 5 cycles, which falls below the recommendation from Gravesham's adopted parking standards SPG4 (2006). However, given that the site is in such an accessible location the under provision of cycle storage is considered to be acceptable.

Any Other Material Planning Considerations

Waste Management

The provision of suitable arrangements for waste storage is a condition of issuing a HMO license. The plans indicate that the bins will be stored at the front of the property. The Council's Waste and Recycling Manager raised no objections to the proposed arrangement. However, a condition relating to refuse will be attached to the decision notice to ensure that adequate bins are provided and that the store will not have a detrimental impact on the character or appearance of the building or Upper Windmill Street Conservation Area. Moreover, an informative will be attached to the decision notice detailing that bins should be purchased from the Council.

Ecology and Biodiversity (Bird Mitigation)

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of additional recreational activity. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable within 6km of the SPA/Ramsar site of £275.88 per net gain in bedrooms within the property.

The applicant has paid the SAMMS Mitigation Contribution Agreement for 1 additional bedroom (£551.76) and therefore has met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

Subject to conditions the proposal would not cause harm to the character, architectural or historic interest of this Grade II Listed Building or the setting of the wider terrace, and is considered acceptable in terms of character and appearance, occupier's amenity, neighbouring amenity, and parking.

Recommendation

20220756 - Permission (Planning Application)

20220757 - Permission (Listed Building Consent)

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	3 rd October 2022	Dated:	03 October 2022