



Delegated Report

Full Planning Application

Application No:	20220545
Location:	13 The Grove Gravesend Kent DA12 1DX
Description:	Change of use application from C3 Dwelling House to 11 Bedroom HMO 'sui generis'
Applicant:	Mr Lukhvir
Site Visit:	14 th July 2022

Submitted Documents/Plans

Application Form - dated 18/05/2022;
Planning, Design and Access Statement - dated 05/2022;
Drawing no. 1455-01 - Rev. D - Existing Floor Layouts and Elevations;
Drawing no. 1455-04 - Rev. D - Existing and Proposed Block and Location Plans;
Drawing no. 1455-06 - Rev. B - Proposed Floor Layouts and Elevations.

~~Drawing no. 1455-04 - Rev. B - Existing and Proposed Block and Location Plans - SUPERSEDED;~~
~~Drawing no. 1455-06 - Proposed Floor Layouts and Elevations - SUPERSEDED;~~
~~Drawing no. 1455-04 - Rev. C - Existing and Proposed Block and Location Plans - SUPERSEDED;~~
~~Drawing no. 1455-06 - Rev. A - Proposed Floor Layouts and Elevations - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20210800	Application for a Lawful Development Certificate in respect of the proposed installation of a rooflight in the front elevation, erection of a rear dormer and conversion of the roof space to form habitable rooms.	CERTIFICATE GRANTED	06.09.2021
19890536	Conversion of the ground and first floor into two self contained flats	PERMITTED	22.11.1989
19820638	Conversion of single dwelling house into flat at basement level with maisonette over	PERMITTED	29.11.1982
19770902	Erection of an outbuilding in rear garden	PERMITTED	14.02.1978

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development

- CS02 - Scale & Distribution of Development
- 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
- P3 - Vehicle Parking Standards
- TC2 - Development Affecting the Setting of a Listed Building

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.

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)

Other relevant guidance

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

Consultations, Publicity and Representations

Local Ward Councillors - No comment received.

Internal Consultees

GBC - Private Sector Housing - consultation comments to relay in accordance with the Teams statutory duties:

To date the Private Sector Housing Team has not been approached in relation to HMO licencing requirements for the proposed development, other than receiving the planning consultation request.

Comments relating to Drawing No 1455-06:

- The proposed lower ground floor, the Laundry room located on the main means of escape route is not best sited. The FD30 to the Laundry room shows as opening out onto the means of escape route with possible collision at the final exit. Unless the FD30 can be changed to open into the Laundry room, we would recommend for the heat omitting appliances from the Laundry room to be relocated into the communal kitchen/s.
- The proposed lower ground floor, the Store located on the main means of escape has the FD30 opening out onto the main means of escape route, with possible collision at the final exit. The FD30 to the Store is required to open into the room, not out onto the main means of escape.
- We trust the bedroom sizes stated exclude the ensuite shower rooms, as ensuites are not considered habitable space.

Please do not hesitate to contact the team if you wish to discuss any of the comments or recommendations within our consultation. We look forward to visiting the premise in the near future.

GBC - Environmental Protection (Regulatory Services) - The following to be considered:

Code of Practice on Construction and Demolition - Please apply

Smoke Control Informative - The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke.

They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

GBC - Waste & Recycling Manager - I have reviewed the above planning application and have no objections.

I would advise that the food bin is changed to a 180ltr bin.

Developers are required to pay for the provision of all bins required for a development, these can be purchased via the Council's Waste Management Team.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the council taking place.

I hope this assists with this planning application.

GBC - Highways Officer - I have no highway objections. As the property can be considered as edge of centre to Gravesend Town Centre no car parking is necessary. However, given the large number of occupants I would suggest the provision of any car parking could be confusing and all car parking should be removed and the boundary reinstated so only cycles and motorcycles can access the property. Whilst, not directly referred to in the Council's adopted parking guidance, I would recommend that provision should be made for the secure parking of 11 cycles, one per bedroom plus some provision for the secure parking

of motorcycles on the existing drive.

Minimum Cycle Parking Standards

Individual residential dwellings ⁽¹⁾	1 space per bedroom
Flats & maisonettes ⁽²⁾	1 space per unit
Sheltered accommodation ⁽²⁾	1 space per 5 units
Notes:	1. Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision. 2. Parking provision should be provided as a secure communal facility where a suitable alternative is not available.

Note: the development is described as a house in multiple occupation and as such should be considered as an individual residential dwelling. Some discount could be given for the existing number of bedrooms but given the need to support active travel the request for 11 cycle spaces seems appropriate.

Neighbouring properties

An advert was published in the local paper and a notice was displayed on site 30th May 2022.

In addition, twenty-seven surrounding properties were consulted and no representations were received. The consultation period expired 1st July 2022.

Preliminary Matters

The applicant was contacted regarding concerns raised by consultees. The concerns raised by GBC Private Housing related to rooms being undersized and doors blocking fire escapes in the basement. GBC Highways expressed concern with the lack of secure cycle storage and the competition for parking on the frontage. The applicant provided revised drawings (25/07/2022) that addressed these issues, by increasing the size of the small bedrooms, rearranging the internal doors in the basement, introducing cycle storage in the front garden and reintroducing the front boundary wall.

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.

Site Description

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS). Policy CS02 (LPCS) supports the principle of residential development within the urban area of Gravesend and rural settlements inset from the Green Belt. Policy CS14 (LPCS) at 5.10.9 states that the Council will expect new housing to provide a range of dwelling types and sizes which take into account the existing character of the area and Policy CS15 (LPCS) at paragraph 5.11.7 states that the development should have regard to the character and location of the area.

The application site comprises a four storey dwelling, which is located on the eastern side of the Grove, close to the junction with Saddington St.



The Proposed Development

This application proposes a change of use of an existing single family dwelling into a house in multiple occupation (HMO) for up to 19 persons.

The HMO consists of the following:

- 11 Bedrooms (3 single / 8 double);
- 11 Ensuites
- 2 Kitchens
- 1 Communal area
- Laundry room
- Store

Suitability for Conversion

Adopted Policy C14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF, it also stipulates that new housing development is expected to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller households and provide low cost accommodation, while taking into consideration the character and amenity of existing housing areas where single family occupancy is the norm.

Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversion will not normally be permitted in an area comprised for the most part of single-family dwellings. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy. A larger house under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.

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. The Grove is a quiet side road, located close to Parrock St, which is a busy, arterial route into the town carrying large volumes of traffic. The properties in The Grove are large buildings, that by virtue of size would be considered large for single family occupation. As such this building is considered to be appropriate for conversion, located in an area which is accessible and sustainable. 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 in accordance with saved policy H5 and policy CS14 (LPCS).

Design, Character and Appearance

This application will not change the Design, Character or Appearance of the property itself, however as part of the development the front boundary wall of the property will be reintroduced. The plans demonstrate that the wall will be brick facing and will be conditioned to ensure that the brickwork matches those used on the property. This is considered to be good design and will improve the appearance within the street scene, in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

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 unit there should be a minimum floor area of 6.5m² and a two person unit should have a floor area of 10m².

	Unit Size (m²)	Bedroom (m²)
1 <i>Basement (front)</i>	13.7m ²	16.1m ²
2 <i>Basement Rear (right)</i>	13.6m ²	15.9m ²
3 <i>Basement Rear (left)</i>	10.45m ²	12.4m ²
4 <i>Ground Front (right)</i>	13.2m ²	15.6m ²
5 <i>Ground Front (left)</i>	6.85m ²	8.7m ²
6 <i>Ground Rear (right)</i>	11.55m ²	13.9m ²
7 <i>Ground Rear (left)</i>	10.65m ²	12.7m ²
8 <i>First Floor Front (right)</i>	10.6m ²	13m ²
9 <i>First Floor Front (left)</i>	7.1m ²	9.1m ²
10 <i>Second Floor (right)</i>	14.3m ²	16.8m ²
11 <i>Second Floor (left)</i>	7m ²	9.5m ²

Table 1 - HMO room breakdown

Table 1 shows that bedrooms 5 / 9 / 11 are single rooms, with all remaining rooms exceeding the 10m² area required for two persons.

There will be a kitchen on the basement level with an area of 8.1m² to be shared by the three basement rooms. On first floor there is a kitchen and communal space (22.3m²), which will be shared by the remaining 8 rooms on ground, first and second floor levels. The HMO amenity standards guidance provides minimum standards for kitchens/dining areas:

Number of Persons					
Where the Kitchen is shared by occupiers	1 – 3	4	5	6	7-10
Kitchen (minimum)	5m²	6 m²	7 m²	9 m²	11m²
Dining Area	2 m² per person is recommended				

The basement kitchen/dining area would be shared by three rooms, with a maximum occupancy of 6 persons, which would require an area of 9m² (excluding the dining area recommendation). Therefore, this space could be considered undersized by 0.9m², or 12.9m² including the dining area recommendation. The undersized kitchen requirement of 0.9m² is considered negligible with the rooms in the basement exceeding the minimum HMO bedroom requirements. Moreover, as the dining area is a recommendation, it is not considered to be sufficient grounds for refusal as it a requirement within the guidance.

The shared kitchen and communal space on the first floor will be share by 8 rooms, with a maximum occupancy of 13 persons, which would require an area of 16m² (excluding the dining area recommendation). The kitchen and communal area exceed the requirement within the HMO amenity guidance. However, similar to the basement kitchen, this would fall below the recommended 42m²

combined kitchen and dining area. However as the dining area is a recommendation this is not considered sufficient to refuse the application, and given that most of the rooms exceed the bedroom requirement, the amenity of future occupiers will not be significantly impacted.

It is noted that all of the ensuite bathrooms are internal, with 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 ensuites will be covered by building regulations.

External Amenity

In terms of external space, the existing garden has an area of 135.8² and a depth of 14.8m. This area is slightly reduce by the topography and raised lawn area in the garden, however is a good sized amenity space for future occupiers of the HMO.

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, it is considered that the proposed conversion will provide satisfactory standards of living accommodation, in line with local and national space standards. 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, by virtue of the reintroduction of the front boundary wall, which is considered acceptable given the central location of the property.

There is a secure cycle store proposed on the front of the property, which will provide spaces for 11 cycles which is in accordance with Kent County Councils parking standards SPG4 (2006). The cycle store will be conditioned to ensure that a suitable store is provided and will not have a detrimental impact on the character or appearance of the street scene.

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, with adequate space for the HMO. The Council's Waste and Recycling Manager raised no objections to the proposed arrangement, however highlighted that suitable refuse bins will need to be purchased from the Council. 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 street scene. 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 an additional residential property and as such, additional recreational activity would result. 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 for each new dwelling unit 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 5 additional bedrooms (£1,379.40) and therefore meets the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Conclusion

To conclude, there is no objection to the conversion of this property into a HMO. Most of the single family dwellings in this area have already been converted, which indicates that such a development is appropriate within the area and that the building is of a size and arrangement that it would be acceptable for subdivision.

The proposed accommodation accords with local and national guidance on space standards and residential amenities, as well as the Council's adopted guidance on HMO Amenity Standards. As such it would provide appropriate standard of amenity for future occupiers of the building. Moreover, the proposal is considered to safeguard the amenity of adjoining properties.

There is no change proposed to the character or appearance of the property, with the exception of a new front boundary wall, which will be conditioned to ensure a satisfactory visual relationship with the dwelling and street scene.

Lastly, mitigation has been made in the form of a SAMMS Agreement and financial contribution which addresses any potential harm on the RAMSAR site and habitats in the Thames Estuary.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
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Signed:	<i>Ethan Bonhron.</i>	Signed:	<i>[Signature]</i>
Dated:	3 rd August 2022	Dated:	04 August 2022

Gravesham Borough Council