



Application: 20230727

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **House of Mercy
C/O Ms Clare Wright, C. B. Wright & Associates Ltd
123 Marlborough Road
Gillingham
Kent
ME7 5HD**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Edmund Rice House
56 Pelham Road
Gravesend
Kent
DA11 0HZ**

and being **Change of use from a hostel to a house of multiple occupation (HMO) (Sui Generis)**. Your application dated 10th July 2023 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - dated 07/07/2023;
Supplementary Information - Planning Statement (dated 06/07/2023);
Supplementary Information - Heritage Statement (dated 10/07/2023);
Supplementary Information - Management Plan;
Ordnance Survey Site Location Plan (scale - 1:1250);
Drawing no. 5288/PL/110 - Rev. A - Site Location Plan and Block Plan;
Drawing no. 5288/PL/110 - Rev. A - Existing Floor Plans and Elevations;
Drawing no. 5288/PL/120 - Rev. A - Proposed Floor Plans and Elevations.

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

3. Occupation of the house in multiple occupation hereby approved shall be restricted to a maximum of 15 no. residents only at any one time.

Reason: In order that more intensive occupation of the premises may be likely to lead to an increased likelihood for adverse environment effects in the area and to safeguard neighbour amenity in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

4. The management plan submitted with the application entitled "Management Plan; No. 56 Pelham Road, Gravesend, Kent, DA11 0HZ" as a House of Multiple Occupation for up to 15 residents shall be enforced at all times. The use of the premises shall thereafter be carried out in strict accordance with the approved plan at all times.

Reason: In order to ensure the effective and stringent management of the premises reduced the likelihood for adverse environmental effects and crime and anti-social behaviour in the area, in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

5. Prior to first use of the building as a house in multiple occupation and notwithstanding the details shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of a secure, weather proof cycle store and its location within the rear garden, which provides sufficient space for 15 bicycles to be parked. The approved cycle store shall be implemented in full prior to first use of the building as a house in multiple occupation and the structure shall thereafter be maintained and kept available for the parking of bicycles while the building remains in use as a house in multiple occupation.

Reason To provide for alternative modes of sustainable transport in line Core Strategy policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014) and the adopted Vehicle Parking Standards (SPG4).

6. Prior to the first use of the building as a house in multiple occupation and notwithstanding the details shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of the location and appearance of the refuse and recycling storage area to serve the development and the waste management arrangements associated with the proposed use. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste. The approved bin store and waste management arrangements shall be implemented in full prior to the first use of the building as a house in multiple occupation and shall thereafter be maintained while the building remains in use as a house in multiple occupation.

Reason: In order to ensure the development is served by a suitable refuse storage area, to preserve the residential and visual amenities of the locality in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 SMOKE CONTROL AREA

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

5 FOR THE AVOIDANCE OF DOUBT - WASTE PROVISION

The developer is required to pay for the provision of all bins required for the development, which can be purchased via the Council's Waste Management Team: <https://www.gravesham.gov.uk/bins-recycling/order-bins-sacks>. The collections 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.

6 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 12 October 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.