

Delegated Report

Full Planning Application

Application No:	20230727
Location:	Edmund Rice House, 56 Pelham Road, Gravesend, Kent, DA11 0HZ
Description:	Change of use from a hostel to a house of multiple occupation (HMO) (Sui Generis).
Applicant:	House of Mercy
Site Visit:	N/A Desktop Assessment

Submitted Documents/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.

Relevant Planning History

Reference	Description	Decision	Decision Date
20181056	Application for removal of condition 7 attached to planning permission reference number 20170959 relating to the details of the detached smoking shelter and its location on the site.	PERMITTED	30.11.2018
20170959	Change of use of existing residential care home to a hostel.	PERMITTED	14.03.2018
20150486	Demolition of single storey rear extension and conservatory and erection of a first floor rear extension; erection of an attached two bedroom bungalow at the rear; conversion of existing building to form 3no. one bedroom and 2no. two bedroom self-contained flats with associated works and erection of a block of 6no. sheds at the rear.	PERMITTED	13.07.2015

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 - Sustainable Development

- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- 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
- P5 - Change of Use of Building and Vehicle Parking Standards
- 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

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.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 15 - Conserving & enhancing the natural environment
- Section 16 - Conserving & enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

- Gravesend Town Centre Conservation Areas Management Plan (2009)
- Pelham Road / The Avenue Conservation Area Appraisal (2009)
- Gravesham Guidance for HMO Amenity Standards (2023)

Consultations, Publicity and Representations

Internal Consultees

GBC Private Housing - In relation to Drawing No: 5288/pl/120, we are satisfied the proposal meets the HMO amenity and space standards for a 15 occupant, 15 household HMO.

Observations:

- There is the potential for occupancy levels to be increased dependant on the room sizes, proposed use and amenities made available. Occupancy could achieve 17 occupants, 15 households.
- To note, ensuites are not included nor classed as habitable space within the HMO amenity standards.
- Where bedrooms do not achieve 10m², there will be a requirement for suitable communal living space to be provided, ideally within the Dining/Day Room.

Where the HMO is the applicants preferred option, the team would welcome a conversation or site visit to the premise to discuss requirements and configuration.

In addition, we welcome and support suitable site redevelopment and for the premises to be brought back into residential use.

GBC Highways Officer - As a house in multiple occupation, I would expect the development to conform to the requirements of K.C.C. SPG4 of one secure cycle parking space per bedroom. This should include for the parking of adaptive cycles as they can be used not only by the mobility impaired but also for business purposes. The previous use as a hostel offering a level of care would only require one cycle parking space per 10 beds.

With regards to car parking, as this is an edge of town property, no onsite parking is required and the proposed Management Plan is welcomed, but it is not deemed fit for purpose. There are many ways a person can have regular access to a vehicle without technically owning it. The obvious options being a company car or a lease arrangement, suitable modifications should be made.

It is noted that the front of the property can accommodate a vehicle or more and has a carriage crossover, this is ideal for the parking of service vehicles, (cleaner/gardener) where tools may be brought to site by the contractor. However, keeping it clear for such purposes will be difficult, unless the terms of the Management Plan are enforced, for this purpose it is suggested a regularly monitored CCTV camera viewing the front garden only should be used, so any tenant abusing the agreement can be monitored and warned or evicted as appropriate.

In terms of visitors, parking will be very difficult to enforce as they will not be party to any agreement, so suitable signage should be used advising visitors to keep the area clear for service vehicles and emergency access. The alternative would be to remove the access by restoring the boundary wall, and contractors will either carry their tools from a suitable parking space or store them on site. Lennox Road is only subject to a residents parking scheme for one hour a day from 11am to noon Monday to Friday and the carry distance is not excessive for light loads. It should also be noted that working tenants can equally easily park a car off site in nearby residential streets, which may be an amenity issue for the residents of those roads.

Local Ward Councillors - No comment received.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice was displayed on site.

In addition, six surrounding properties were consulted and no representations were received. The consultation period expired 29th September 2023.

Officer's Analysis

Site Description

56 Pelham Road (Edmund Rice House) is a detached two storey building located on the eastern side of the highway. The building is set back from the highway, with a large frontage utilised for off-street parking. It is currently in use as a hostel.



The building forms one of no.8 similar properties, which are identified as key unlisted buildings within the Pelham Road/The Avenue Conservation Area Appraisal.

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 15 persons.

The HMO would consist of the following:

- 15 single person rooms; being
 - 8 ensuite
 - 6 wc
 - 1 (no integral wc/ensuite)
- 2 shower rooms
- 1 bathroom
- 1 wc
- 2 kitchens
- Dining / day room
- Laundry room

Principle of the Development

The site is located within the Pelham Road / The Avenue Conservation Area. As such, a key consideration in this application will be if the development would preserve or enhance the character and appearance of the Conservation Area.

It is also considered that local adopted policies CS14 (Housing Type and Size), CS15 (Housing Density);

and CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) provide together an assessment framework in line with the guidance provided by paragraph 53 of the National Planning Policy Framework (NPPF) (2021). Therefore, these policies are key to the whether the scheme is appropriate.

The principle considerations in the assessment of this application are:

- Housing Need
- Suitability for Conversion
- Design and Impact on Conservation Area
- Residential Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). 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 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- 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)
- 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

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 property under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.

The building is currently in use as a C1 hostel and was previously in use as a residential care home. Therefore, the building has not been in use as a dwellinghouse for a long period of time and similarly to other large buildings on Pelham Road has been converted. Moreover, the application site is located in an edge of town centre location, within a 10-minute walk of the train station and in close proximity to local shops and services. It is a large building with more than two storeys and over 6 habitable rooms.

Therefore, it is considered that the building is appropriate for change of use into smaller HMO rooms and is in accordance with local and national planning policy.

Design and Impact on the Conservation Area

This application will not change the external appearance of the property. As such the development would have no impact on the character or appearance of the Conservation Area, would meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is in accordance with Policies Policy CS19 and CS20 (LPCS), as well as Sections 12 and 16 of the 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.

Internal living space

In relation to the internal living space, Gravesham's RLG (2020) and the 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 for HMO Amenity Standards' (2023) includes a more appropriate room sizes for this application type. For a one person until there should be a minimum bedroom floor area of 6.51m². The table below highlights the floor area of each unit within the proposed development and the facilities serving each room:

	Bedroom (m ²)	Facilities
1	9.65m ²	ensuite
2	9.19m ²	wc
3	8.46m ²	ensuite
4	9.61m ²	wc
5	8.39m ²	ensuite
6	9.5m ²	wc
7	9.92m ²	wc
8	12.1m ²	ensuite
9	10.42m ²	ensuite
10	8.73m ²	wc
11	8.07m ²	ensuite
12	8.81m ²	wc
13	8.65m ²	ensuite
14	7.35m ²	n/a
15	8.76m ²	ensuite

Table 1 - HMO Room Breakdown

As demonstrated in the Table 1 all rooms within the HMO would comply with the minimum bedrooms floor area in Gravesham's 'Guidance for HMO Amenity Standards' (2023). It should also be noted that the majority of rooms are served by either a wc or ensuite, with the exception of room 15. This rooms is located on the 3rd floor and which has an independent bathroom, as such although not served by an private ensuite/wc room 15 would be able to use this bathroom.

There will be two kitchens and a dining/day room located on the ground floor of the HMO. The HMO Amenity Standards (2023) provides minimum requirements for communal kitchens/dining areas:

Where a kitchen is shared by (communal)	1 – 3 occupants	4 occupants	5 occupants	6 occupants	7 – 10 occupants
Kitchen (minimum)	5m ²	6m ²	7m ²	9m ²	11m ²
Dining area	2m ² per person	2m ² per person	2m ² per person	2m ² per person	2m ² per person

Table 2 - HMO Communal Kitchen and Dining Requirements

The two kitchens have a combined floor area of 20.81m², which exceeds the minimum requirement for a HMO with 15 occupants (18m²). Similarly, the dining/day room has an area of 39.19m², which exceeds the recommended 30m² dining area for a 15 person HMO. As such, the development would provide acceptable communal living facilities for future occupiers.

Gravesham Private Housing have provided comment on this application and raised no objections to the change of use into a HMO.

External Amenity

In terms of external space, the existing garden has an area of 245m² and a depth of 26m. This area is slightly reduced 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. The application includes a draft management plan for the HMO, however this is limited and a condition will be attached to the decision notice to ensure that a more comprehensive management plan is submitted to safeguard neighbouring amenity. The comprehensive management plan should include use of the garden, noise restrictions, etc.

Moreover, a condition will be attached relating to bins/waste to ensure that a satisfactory arrangement is in place prior to occupation to protect amenity.

Subject to conditions the development is considered to safeguard neighbouring amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF.

Summary

Overall, it is considered that the proposed change of use of the building into a HMO will provide satisfactory standards of living accommodation, in line with local and national space standards. In addition, subject to conditions set out above, there will be no adverse impact on the amenity of 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 (2023).

Parking and Highways

The site is in an edge of centre location where public transport links are good and is within walking distance of amenities. While the frontage is hardstanding, the planning statement requests that a condition is attached to stipulate that no parking is permitted at the property in accordance with section '3.0 Sustainable Travel and Living' of the Management Plan.

There is no details provided on the plans of a secure cycle store, however there is adequate space in the rear garden for a cycle store. There should be 15 cycle spaces provided to accord with Gravesham's adopted parking standards SPG4 (2006). A condition will be attached to the decision notice to ensure that a details of a secure cycle store is submitted and approved in writing by the Local Planning Authority.

Subject to conditions, the scheme is acceptable in terms of highway policy and parking guidance.

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 do not indicate where the bins will be stored, nor the quantity of bins that will be provided.

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)

There will be no increase in bedrooms or residential activity as part of this application. The existing hostel has 15 bedrooms and the HMO will be occupied by the same number of persons. As such, there is no SAMMS payment required.

Conclusion

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

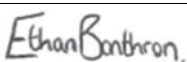
The change of use of the building into a HMO would not alter the external appearance of the building and would preserve the character and appearance of the Conservation Area. The HMO would provide acceptable amenity for both future occupiers and neighbours, there is no parking proposed and conditions will ensure that appropriate secure cycle and bin storage is provided.

As such, it is recommended that planning permission is granted subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	11 th October 2023	Dated:	12th October 2023