

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250307
Location	42 Brandon Street Gravesend Kent DA11 0PL
Proposal:	Application for a Proposed Lawful Development Certificate for change of use from a single dwelling house to a 6 person HMO.
Applicant:	
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 29/03/2025;
Supplementary Information – Planning Statement;
Drawing Number BSG/010 (Site Location Plan);
Drawing Number BSG/009 (Block Plan);
Drawing Number BSG/002 (First Floor Plan – Existing and Proposed);
Drawing Number BSG/004 (Front Elevations – Existing and Proposed);
Drawing Number BSG/001 (Ground Floor Plan – Existing and Proposed);
Drawing Number BSG/005 (Rear Elevation - Existing and Proposed);
Drawing Number BSG/003 (Roof Plan – Existing and Proposed);
Drawing Number BSG/008 (Section AA - Existing and Proposed);
Drawing Number BSG/007 (Side Elevation B - Existing and Proposed); and
Drawing Number BSG/006 (Side Elevation A - Existing and Proposed).

Property Type

42 Brandon Street is a two storey semi-detached single family dwellinghouse.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Town and Country Planning Act 1990 (As amended)

The Use Classes Order (1987)

Relevant Planning History

Reference	Description	Decision	Decision Date
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20250090	Application for a Proposed Lawful Development Certificate for a roof extension with L-shaped rear dormer and 3 roof lights to front roof slope to facilitate a loft conversion.	Certificate Granted	24.03.2025
19890158	Conversion of dwelling into two self-contained flats.	Refused	03.04.1989

Consultations, Publicity and Representations

This is an application for a Lawful Development Certificate that is considered on its facts and relevant planning law. As confirmed in national planning guidance, views expressed by third parties on the planning merits of such cases are irrelevant. Accordingly, unlike planning applications, there is no statutory requirement to undertake publicity or consultation. Nonetheless, one representation has been received and the comments are summarised below, although cannot be considered as part of this application.

Neighbouring concerns were raised with the following:

- Out of keeping with the surrounding street scene;
- Parking and highway issues;
- Increase in refuse.
- Rise in noise levels;
- Increase in night time activities;
- Immediate area is currently over-populated with HMOs;
- Strain on local services and infrastructure;

Comments have also been received from Kent Police's Designing Out Crime Team

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for

surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Residential (Homes) Guide 2025 states:

“19.3 SBD does not advocate the use of bollard lighting to achieve lighting uniformity. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. It should be avoided, as it can increase the fear of crime, because it does not project sufficient light at the right height to recognise facial features.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

8. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.

11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

12. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application

Procedural Note

This application proposes the conversion of a four-bedroom dwellinghouse to a HMO for up to 6 people.

Permitted Development Rights for HMOs

The Town and Country Planning (Use Classes) Order 1987, assigns use classes to various uses. In the case of small HMO's the legislation designates this as use Class C4 with the description of; 'Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.' Class L, Part 3, Schedule 2 of the GPDO, allows for conversion from C3 (dwellinghouses) to C4 (Houses in Multiple Occupation), without requiring planning permission, where certain criteria are met.

The proposed floor plans show 5 separate bedrooms each with en-suites and one with kitchenette. There is a further kitchen, dining room and lounge area as a shared facility. Therefore, 42 Brandon Street would function as a private domestic dwellinghouse, and not as separate self-contained units. As such, the property would benefit from permitted development rights.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Assessment under Class L Schedule 2 Part 3 of the General Permitted Development (England) Order 2015 (as amended)

Class L – Small HMOs to Dwellinghouse and vice versa

L.	Development consisting of a change of use of a building -	Y/N
(a)	from a use falling within Class C4 (house of multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;	N/A
(b)	from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule	Y
L.1	Development is not permitted by Class L if it would result in the use -	
(a)	as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or	N
(b)	as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.	N

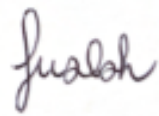
C3 Dwellinghouses can be converted to a C4 House of Multiple Occupation (HMO) for no more than six (unrelated) people who share amenities, provided it meets the criteria set out in Class L above.

42 Brandon Street is in use as a single dwellinghouse and is proposed to be converted to one HMO and therefore complies with Class L.

Conclusion

The proposed development complies with Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and would also comply with the definition of C4 (Houses in Multiple Occupation), as set out within The Town and Country Planning (Use Classes) Order 1987.

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Nina Goodbody	Team Leader:	Mrs Faye Walsh
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	19 th May 2025	Dated:	20 May 2025