
SUMMARY REPORT

Application Ref: 20211529

Site Address: 25 The Avenue, Gravesend, Kent, DA11 0NA

Application Description: Change of use from dwelling house to a 9 bedroom house of multiple occupation.

Applicant: Mr Jasbir Dosanjh

Agent: Mr Herjindur Channa

Ward: Pelham

Parish: Non-Parish Area

Decision due date: 7 March 2022

Publicity expiry date: 28 January 2022

Decision Level: Planning Committee – Wednesday 2 March 2022

Reason for referral: Councillor Call-In

Recommendation: Approve with conditions

Summary of Reasons for Recommendations

The proposal for a 9 bedroom House of Multiple Occupation (HMO), is considered to provide an acceptable standard of amenity for future occupiers. On this basis and as the applicant has overcome the previous grounds for refusal, this application accords with the adopted Development Plan and material considerations such as the National Planning Policy Framework (2021).

MAIN REPORT

1. Proposal

- 1.1. This application seeks permission for a change of use from a dwelling house to a 9 bedroom house of multiple occupation (HMO).
- 1.2. The internal alterations to the ground floor create 3 bedrooms, a kitchen/sitting area and two WC/shower rooms. The first floor contains 3 bedrooms, a bathroom and a WC/shower room, and a communal room, and the second floor has 3 further bedrooms.
- 1.3. There are no external alterations.

2. Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
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20211047	Retrospective application for change of use from dwelling house to a 11no. bedroom house of multiple occupation.	Refused	26.11.2021
20210980	Erection of a brick built outbuilding in the rear garden to form a gym and storage.	Refused	22.10.2021
20210529	Erection of single storey rear extension.	Permitted	21.06.2021
20170260	Erection of a single storey rear extension.	Permitted	12.06.2017
19910683	Change of use of single family dwelling to residential care home for the elderly.	Permitted	24.03.1992
19850219	Erection of single storey rear extension to form kitchen breakfast area shower room and wc	Permitted	14.06.1985

3. Planning Policy, Development Plan and other Material Considerations

Development Plan

3.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
 Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)

3.2. The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy 2014

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS19 – Design and Development Principles
- CS20 – Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review 1994

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- TC3 – Development Affecting Conservation Areas
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards

3.3. Paragraph 33 of the NPPF 2021 sets out that those 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.

- 3.4. The Council undertook such a review in September 2019 and the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review 1994 generally conform with the NPPF 2021, the Council will also seek to replace these saved policies via the emerging Local Plan.
- 3.5. Given Gravesham'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 Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF 2021. This requires that in regard to housing development, planning permission should be granted unless:
- 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
 - 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.
- 3.6. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF 2021 at footnote 7 (rather than those in development plans) relating to any of the following:
- Habitats sites (and those sites listed in NPPF 2021, paragraph 181)
 - Sites of Special Scientific Interest;
 - Green Belt;
 - Local Green Space;
 - Areas of Outstanding Natural Beauty;
 - Irreplaceable habitats;
 - Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2021, footnote 68); and
 - Areas at risk of flooding or coastal change.
- 3.7. 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 121(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.

Other Material Considerations

National Planning Policy Framework 2021

- Section 2 – Achieving sustainable development
- 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 and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance (SPG)

- SPG2 – Residential Layout Guidelines (2020)

- SPG4 – KCC Parking Standards (2006)
- Guidance to HMO Amenity Standards (2006)
- Pelham Road/The Avenue Conservation Area Appraisal (2009)
- Technical Housing Standards – Nationally Described Space Standards (2015)

4. Consultations, Publicity and Representations

- 4.1. The application has been advertised by individual neighbour letters to 21 properties, and on site. The consultation periods expired on 11 and 28 January 2022 respectively. There have been 7 representations in total, objecting on the following grounds:

- The plans detract from the current character of the area and fail to make a positive contribution to the environment.
- There are already a large number of HMOs in the area (54% in the Pelham Road/The Avenue Conservation Area), and none have more than 6 occupants. The change of family homes into HMOs is changing and negatively impacting on the neighbourhood.
- Poor standards of amenity for future occupants, failing to create better places to live: There are not enough bathrooms for the occupant numbers or washbasins in the bedrooms; the kitchen/sitting room/communal room are too small for 9 occupants; some of the bedrooms seem small.
- There is likely to be a real intention to use the 'communal room' as a bedroom later on.
- It is not clear that the rooms would only be for single occupation when previously the applicant has stated they may be double rooms.
- The proposed area for bins is unlikely to be used as it should be and will be insufficient, particularly as a large number of bins are likely to be required for the proposed number of occupants. No bin storage enclosures have been provided.
- The development will increase parking problems.
- The two parking permits proposed to be requested is not likely to be enough.
- There are already people living in the property.
- The extension has already been built and does not have rooflights as shown on the plans.
- As this development is retrospective, it would appear to be a deliberate attempt to put pressure on granting planning permission.
- The development will (and already has) increase(d) noise. It is unclear whether acceptable soundproofing has been used.
- The development has increased litter and anti-social behaviour.

- 4.2. Local Ward Councillors have also been consulted on the application, with Councillor Haye (as Ward Councillor) responding as follows:

My concerns are both for the occupants and the residents.

For the occupants: There is still a lack of communal space. The communal room on the first floor measuring 6.7 sqm is not acceptable, especially after furniture is added to the room. The lack of toilet facilities - only 3 shown, 1 on the first floor and 2 on the ground floor. There is no w/c facility on the top floor.

For the local residents: The application if granted will have an effect on the local parking, increase anti-social behaviour and put more strain on local amenities.

- 4.3. Kent Police, KCC Heritage and KCC Highways and Transportation were also consulted and their comments are below.

Kent Police

Kent Police has commented that if the application is to be approved a condition is strongly requested to be included to address the following points:

1. Any access route to either of the side elevations is monitored with access control.
2. Perimeter treatments including gates must be designed to protect those using the garden areas but must not affect the security to neighbouring properties.
3. The open front area, particularly with ground floor bedrooms is a concern for unauthorised access whether welcome or not and requires monitored CCTV and secure gated frontage.
4. Lighting and CCTV details to be included in the application and must work together and for the protection of the users, staff and neighbours.
5. Doorsets should meet PAS 24: 2016 UKAS certified standard, this includes those to the apartments and the balconies.
6. The covered access outside the communal front door must not allow loitering thus stopping residents and authorised visitors from using it without fearing crime. It must be lit and designed to provide no hiding space.
7. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or garden walls and including the roof lights to the ground floor should also meet PAS 24: 2016 UKAS certified standard.
8. The Communal Access Control to meet SBD Homes 2019 standards and include alarms on all the emergency access doors.
9. Communal mail delivery for the apartments needs to be "through the wall" or sited at the front with CCTV coverage, be of robust construction (SBD or Sold Secure standard) and have anti-fishing design.
10. The communal doorset needs to be dual fire and security certification. Access Control to be in accordance with "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS" 2019" for dual fire and security.

The potential for ASB, Nuisance and Conflict is significant unless these concerns are designed out prior to occupation. It is unclear whether there will be a full time staff member on site or not, especially overnight and at weekends and this is relevant to our comments.

Kent Police 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. Current levels of reported crime have been taken into account.

KCC Heritage

No comments.

KCC Highways and Transportation

The proposed development is in a sustainable location, with access to local amenities and public transport nearby. The nil provision of vehicle parking is therefore considered to be acceptable, subject to adequate cycle storage being provided. 9 cycle spaces should be provided (1 space for each bedroom). Any cycle storage will need to be covered and secure. Consequently, it is confirmed that provided this requirement is secured by condition, no objection would be raised on behalf of the local highway authority.

5. Site Description and Surroundings

- 5.1. The application site is defined on the Gravesham Local Plan Core Strategy 2014 Policies Map as lying in the urban area of Gravesend. It is in a residential area comprising a mix of two storey detached, semi-detached and terraced properties.
- 5.2. The application site consists of a large two storey (plus attic) 6 bedroom semi-detached dwelling in The Avenue, in use as a single dwelling but is in the process of being converted to an HMO. The site is in the Pelham Road/The Avenue Conservation Area, which is subject to an Article 4 Direction.
- 5.3. One of the key characteristics of the Conservation Area are the small groups of houses built to an identical design, with clusters of these different style buildings running along the street. The east side of The Avenue is notable for this; the application property is one of such a group of pairs of semi-detached houses.
- 5.4. The front garden contains paths to the front door and a narrow side access through to the rear garden of the property. The front garden contains an area of grass and is enclosed by a low brick wall to the front boundary. The rear garden is largely laid to lawn. As can be seen from the above planning history, a single storey rear extension has been approved at the property and is being constructed (application 20210529).
- 5.5. The Avenue is a Permit Parking Area (PPA) and in Zone TC04. The parking restrictions in Zone TC04 apply from 11am to 12 noon, Monday to Friday. During these times a valid PPA permit must be displayed in a vehicle, for it to be permitted to park in this zone.

6. Service Manager (Planning) Comments

Background

- 6.1. A previous case (20211047) for an 11 bedroom HMO at the property was recently refused by the Planning Committee in November 2021 (see above planning history). The refusal grounds were as follows:
 1. The proposed development would fail to comply with the Guidance to HMO Amenity Standards in respect of the living conditions for future occupants of the proposed HMO, with regard to inadequate provision of acceptable kitchen/living/dining and bedroom spaces, and the failure to demonstrate appropriate provision for hand wash basins, bathroom ventilation, and refuse storage. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of the Guidance to HMO Amenity Standards 2006, saved Policy H5 of the Gravesham Local Plan

First Review 1994, Policy CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraph 130 of the National Planning Policy Framework 2021.

2. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.
- 6.2. This current application has reduced the proposed number of bedrooms to 9 and has been submitted in an attempt to overcome the previous grounds for refusal.
- 6.3. In considering the previous grounds for refusal, and on the basis that the principle of the development was previously considered acceptable, and that there were no design or character and appearance concerns, the main issues for consideration in the determination of this application are as follows:
 - Residential amenity
 - Highways and parking
 - Ecological impact on the Thames Estuary and Marshes Ramsar/SPA.

Residential Amenity

- 6.4. The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land; and avoid adverse environmental impacts.
- 6.5. The amenity of future occupants are also safeguarded in saved Policy H5 (iv) of the Local Plan 1994, which requires that proposals for the conversion of existing properties to HMO use will have regard to the adopted Council's Residential Layout Guidelines. This has been replaced by the Nationally Described Space Standards (NDSS), which set out minimum internal areas for new dwellings based on the level of occupancy, bedroom size and number of storeys. However, these relate more readily to flat conversions than HMOs. The Council has its own adopted guidance on HMO amenity standards, which include minimum room sizes, and this is relevant to the assessment of this proposal.

Internal living space

- 6.6. Under the previously refused application, there was a concern about the inadequate and below standard living and sleeping spaces.
- 6.7. Under the current application, the submitted Design and Access Statement states the rooms will be single occupancy.
- 6.8. For a single person unit a bedroom should have a minimum floorspace of 6.5m². The bedroom floor areas provided are all in excess of 10m, which is the minimum standard for a double bedroom, with the exception of Room 3 within the ground floor rear

extension, which has a floor space of 8.6m². The rooms would therefore all be acceptable for a single person.

- 6.9. There is one kitchen/sitting room provided on the ground floor, which, following the previous application, has been enlarged by the removal of a bedroom. This space measures 29.7m². There is now also a 'communal room' on the first floor, which measures 6.7m² (this was also previously a bedroom). The HMO amenity standards require a minimum 11m² kitchen for 7-10 occupants and 2m² per person of dining space. For up to 9 occupants this would equate to 29m². Therefore, the proposed kitchen/sitting space would now meet the required minimum standard. There is also now an additional (albeit small) 'communal room' on the first floor which adds to the overall shared living space provision at the property. It is therefore considered that this amended proposal would meet the minimum space standards required for kitchen, dining and living areas from the HMO Amenity Standards SPG, and overcomes the concerns raised in the previous refusal.
- 6.10. In addition, and also in relation to the recommended amenity standards, the submitted Design and Access Statement confirms there will be mechanical ventilation to comply with Building Regulations in all shower and bathrooms. It is not clear whether wash hand basins will be provided in all bedrooms, but it is recognised that there are three WC/shower rooms and one bathroom, which is considered adequate for 9 occupants. The Council's Housing Improvement Officer has stated that "wash hand basins are to be considered where 'reasonably practical'; however, in an older building of four storeys (including the basement where the boiler is located), it would be difficult to say that it is practical to have a basin in each bedroom, especially where there are more than the required shared bathrooms and toilets".
- 6.11. In terms of refuse storage, the submitted plans show space to store bins at the side of the property. Neighbour concerns have been raised about inadequate storage and a lack of enclosure, together with general issues about additional dumping of waste. However, bin storage for the majority of the properties along the road appears to be visible at the front and side; therefore, the proposed refuse storage arrangements are in keeping with this common practice.
- 6.12. The Council's Housing Improvement Officer has confirmed the property will be suitable for a maximum number of 9 occupants, with the first floor communal room to be used as additional dining space. Given the previous amenity concerns raised about a higher number of occupants, it would be considered appropriate to restrict the number of occupants to no more than 9 single occupants. This would then accord with the HMO licence.
- 6.13. On the basis of the amendments to the proposal, and a restriction on the number of occupants, there is no longer a conflict with the requirements of paragraph 130 of the NPPF 2021, Policy CS19 of the Core Strategy, saved Policy H5 of the Local Plan and the Guidance to HMO Amenity Standards in respect of the living conditions for future occupants of the HMO. The proposal therefore provides adequate bedroom and communal space, and is considered to provide an acceptable standard of amenity for future occupiers.

Neighbouring amenity

- 6.14. No external alterations are proposed as part of the change to an HMO, and as such there are no issues of loss of light or privacy for neighbouring properties.

- 6.15. Whilst it is recognised that there are concerns from local residents about noise and disturbance from the proposed HMO use, this matter was not previously considered likely to lead to significant harm. The current proposal looks to reduce the proposed number of occupants, which would arguably have even less of an impact. No concerns have been raised by the Council's Environmental Protection Officer.
- 6.16. In terms of soundproofing at the property, this would be a matter controlled by Building Regulations as part of the conversion.
- 6.17. Kent Police have recommended a number of points to be included at the property in order to help design out crime. This includes access control, lighting, alarms, and fire/security certified doors. These recommendations can be achieved through the imposition of an appropriate condition.
- 6.18. On this basis, and as previously considered, the proposal is unlikely to lead to significant harm to the amenity of local residents.

Parking and Highways

- 6.19. Policy CS11 of the Core Strategy 2014 and saved Policy P3 of the Local Plan 1994 require new development to provide sufficient parking in accordance with the adopted parking standards, taking account of the availability of alternative means of transport and accessibility to services and facilities.
- 6.20. There are no direct vehicle parking standards for HMOs. Therefore, the proposal has been considered with regard to the adopted parking guidance for new dwellings.
- 6.21. Due to the edge of centre location, there would not be any car parking requirement for the proposal. However, all new dwellings should provide adequate and secure bicycle parking, so with guidance suggesting one space per bedroom for a flat or one space per bedroom for a house, less the existing provision for the property, this would equate to 3 cycle spaces. There would be provision for this within the rear garden, and this could be conditioned to be provided.
- 6.22. Given the accessibility of this site to public transport and town centre services and facilities, there are alternative means for occupants to access employment and other services without the need for a car. Adopted policy encourages the use of alternative means of transport to the private car and offers flexibility in the application of the parking standards in accessible locations such as this. In terms of car parking provision, as the property is edge of centre no car parking is required, and 2011 Census data suggests that some 46% of households in this area of Gravesham do not have access to a car. However, it is recognised that neighbours have raised parking concerns in relation to the number of occupants proposed, and given this is a residents parking permit area, a restriction could be imposed on the number of occupants applying for a permit. The application suggests two permits are likely to be sought. This could be achieved via a condition.
- 6.23. It is also recommended that appropriate provision should be made for the secure parking of motorcycles. This is outside the scope of planning guidance, but there is the potential for occupants to have access to a motorcycle, possibly more so than a car, and there is space at the property to be able to accommodate them. It is recommended that two spaces are provided, along with an electric charging point for battery powered motorcycles. This could be suggested via an informative.

- 6.24. Overall, there would be no adverse highways or parking impacts and it is considered that the proposed development would be in line with Policies CS11 and CS19 of the Core Strategy 2014 and Saved Policies T1 and P3 of the Local Plan 1994.

Other Material Planning Considerations

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:

- 6.25. As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £761.49 is required (given there would be three additional bedrooms proposed on the site).
- 6.26. The applicant has signed a SAMMS Contribution Agreement and paid the appropriate tariff for the development, which would help put in place adequate measures to mitigate against potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, and would meet the requirements of paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

7. Conclusion and Overall Balancing Exercise

- 7.1. The occupier amenity and SAMMS issues raised in the grounds for refusal of the previous application (20211047) have been overcome with the reduction in the number of bedrooms proposed, and the payment of the SAMMS contribution. On this basis, the proposal is considered to provide acceptable standards of amenity for future occupiers and would result in an application which is compliant with the adopted Development Plan and material planning considerations.

Recommendation

Approve with conditions.

Conditions

1. The development hereby approved shall be begun not later than 3 years following the date of this permission.

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 precise accordance with the following approved plans and particulars:

Heritage Statement;
Design and Access Statement;
Drawing no. 25TA/A3/01 (Site Map and No Change to Elevations);
Drawing no. 25TA/A3/02 (Proposed Ground Floor Plan);

Drawing no. 25TA/A3/03 (Proposed First Floor Plan);
Drawing no. 25TA/A3/04 (Proposed Second Floor Plan);
Drawing no. 25TA/A3/05 (No Change to Block Plan); and
Drawing no. 25TA/A3/06 (Existing Floor Plans).
(All received 10 December 2021)
Application form received 14 December 2021.

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

3. The development hereby approved shall not be occupied until a scheme of cycle storage facilities incorporating 3 cycle parking spaces within a secure and weatherproof enclosure has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be made available for use prior to first occupation of the development hereby approved and retained for use by site users at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.

4. Prior to the first occupation of the development hereby permitted, details of security for the property to comply with the recommendations of Kent Police in their letter dated 29 January 2022, including access controls, lighting, alarms, and fire/security certified doors, shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: To ensure a safe living environment in the interests of amenity, and in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

5. The approved refuse storage facilities for the development hereby approved shall be provided prior to the first occupation of the development hereby permitted, and shall thereafter shall be retained for such purposes at all times.

Reason: In the interest of amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

6. Notwithstanding the details submitted on the application form and in the approved plans, the number of bedrooms and occupants at the property shall at no time be more than 9.

Reason: To ensure the protection of the residential amenities of occupiers and neighbouring properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

7. No more than 2 residents' parking permits shall be sought in relation to the property at 25 The Avenue, Gravesend.

Reason: In the interests of amenity and parking pressures in the area, and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 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.

2 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].

3 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 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) 2021, 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.

5 SMOKE CONTROL

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.

6 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

7 It is recommended that appropriate provision should be made for the secure parking of motorcycles at the property, to include at least two spaces, along with an electric charging point for battery powered motorcycles.