



# Delegated Report

## Planning Application

**Application no:** 20211094

**Location:** 51 London Road Northfleet Gravesend Kent

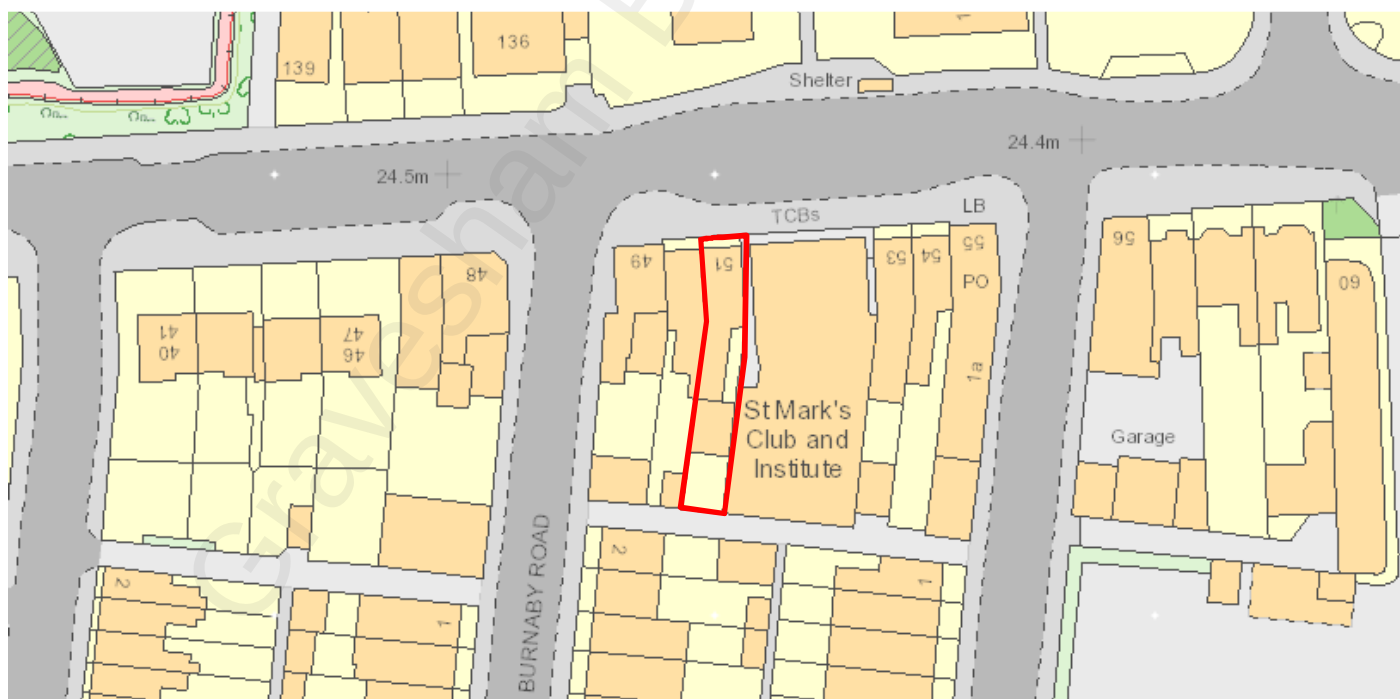
**Description:** Erection of a single storey rear extension and change of use from a single dwelling (C3) into an 8 person six bedroom House of Multiple Occupation (Sui Generis Use).

**Applicant:** Annor Property Investment Ltd

**Site Visit Date:** 24 September and 13 October 2021

### Site Description

51 London Road is an early 20<sup>th</sup> century two-storey semi-detached 4 bedroom single family dwelling on the south side of London Road Northfleet between Beresford Road to the east and Burnaby Road to the west. It is shown in the site plan below. No 50 adjoining to the west is of similar style and design and also a family dwelling. The property is part rendered brickwork and painted and has a tiled roof. Both the application dwelling and the adjoining dwelling have front projecting gables at ground/first floor at the front and small flat roofed front dormers.



At the rear is a two storey outrigger and small single storey addition and a covered pergola. The rear garden is gated and has access on to a narrow alleyway (3m) but suitable for access and use by motor cars that runs between Burnaby Road and Beresford Road but it has limited visibility on exit.

Further to the west (49 London Road) on the corner with Burnaby Road is a fried chicken restaurant (with

temporary operating take-away). To the east is a part single and part two-storey building at 52 London Road, which is in use as a local store and post office (formerly St Mark's social club) while 53, 54 and 55 are in residential use. There is a bus stop and layby outside the local store.

The application site is opposite a four-storey block of local authority flats at Fountain Walk on the north side of London Road. London Road is a B class classified highway (B2175) and district distributor route.



## Planning History

### *Planning Applications*

None

### *Pre-Application Enquiries*

PRE20210130: Change of use from a 5-bed single residential dwellinghouse to a 6-bed HMO with

communal facilities and single storey rear extension. Response sent 18.06.21 - Planning permission required for the extension and occupation by any more than by six residents.

## Proposal

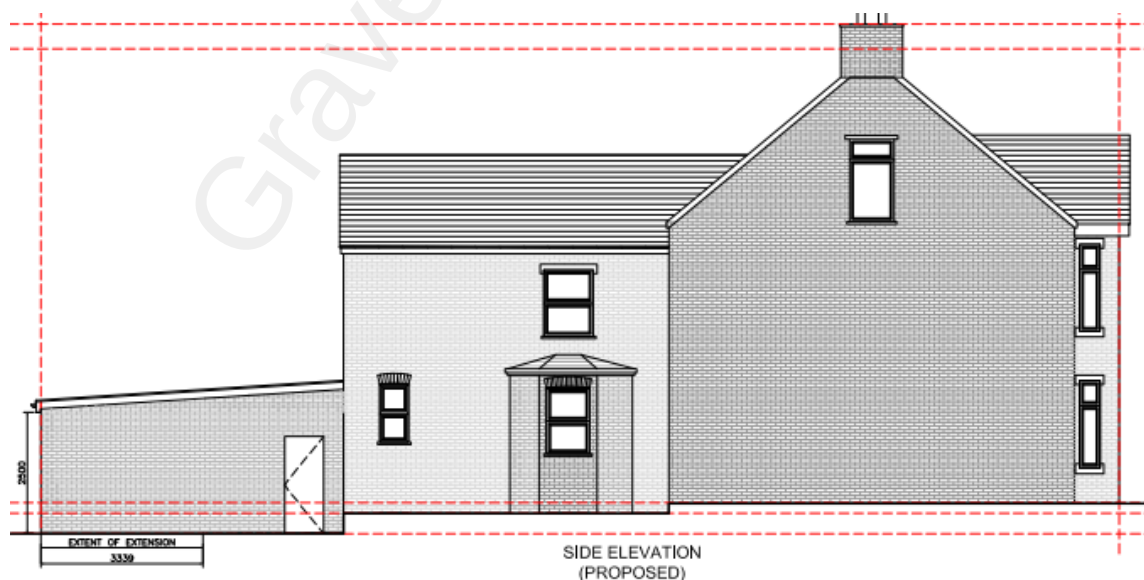
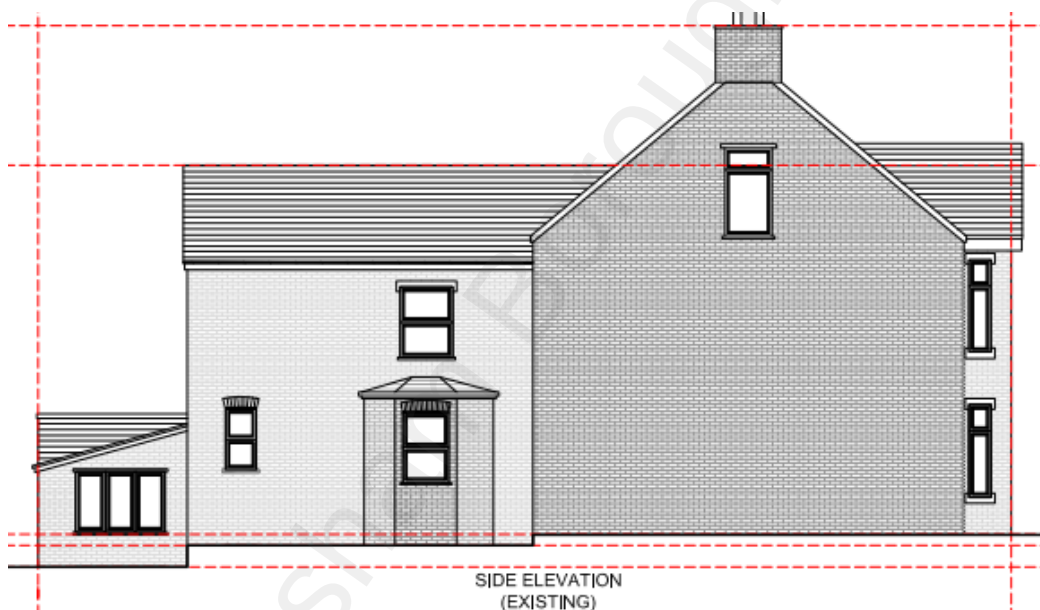
The proposal is described as being for the erection of a single storey rear extension and change of use from a single dwelling (C3) into an 8 person six bedroom House of Multiple Occupation (Sui Generis use), or HMO. *(Note - It was originally incorrectly described/registered as an 8 bedroom HMO)*

### Plans and Documents, as revised

Application Form;  
Covering letter dated 01 September 2021;  
Drawing No 2000: Site Location Plan;  
Drawing No 2001: Proposed Block Plan;  
Drawing No 2002: Existing Floor Plans;  
Drawing No 2003: Existing Elevations;  
Drawing No 2004 Rev: Proposed Floor Plans;  
Drawing No 2005: Proposed Elevations;

### Details of the Development

Below are the existing and proposed side elevations showing the proposed rear extension to the building.



It is stated that the proposal is aimed at complying with Gravesham Council Property Standards for HMO's.

The proposed layout will comprise the following:

#### Ground Floor

Bedroom 1 - 10.22m<sup>2</sup> with en-suite (2.1m<sup>2</sup>) for one occupant

Communal Living Area - 12.1m<sup>2</sup>

Communal Kitchen - 17.4m<sup>2</sup>

Bedroom 2 - 12.8m<sup>2</sup> with en-suite (2.17m<sup>2</sup>) for one occupant

#### First Floor

Bedroom 3 - 14.22m<sup>2</sup> with en-suite (2.1m<sup>2</sup>) for two occupants

Bedroom 4 - 10.0m<sup>2</sup> for one occupant (no en-suite)

Shower/wc - 2.2m<sup>2</sup>

Bedroom 5 - 9.8m<sup>2</sup> with en-suite (2.2m<sup>2</sup>) for one occupant

#### Loft Floor

Bedroom 6 - 16m<sup>2</sup> with en-suite (3.4m<sup>2</sup>) and storage (1.2m<sup>2</sup>), and to include kitchenette within the bedroom for two occupants

The submitted block plan purports to show one parking space within the remaining yard at the rear and a cycle stand for 4 cycles, although the application form indicates no parking provision is being made at all. Waste and recycling storage is shown to be in bins placed at the front behind the front boundary wall.

It was noted at a case officer site inspection (13 October 2021) that the proposed rear extension has already been largely constructed (see *photo below*)



## Development Plan and other Relevant Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.<sup>1</sup>

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

In this instance the Development Plan for Gravesham comprises:-

- *The Gravesham Local Plan Core Strategy (September 2014)*
- *Remaining Saved Policies of the Local Plan First Review (1994)*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance, and, where they exist, neighbourhood plans. There are currently no adopted neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

### Local Planning Guidance

#### **Gravesham Local Plan Core Strategy, September 2014**

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown as being within an **urban area** (Policy CS02) as defined in the Gravesham Local Plan Core Strategy Policies Map. London Road is **District Distributor** on the highway network (Saved policies T1-T3).

The most relevant policies from the adopted Core Strategy in relation to this development are as follows:

- Core Strategy Policy CS01: Sustainable Development
- Core Strategy Policy CS02: Scale and Distribution of Development
- Core Strategy Policy CS11: Transport
- Core Strategy Policy CS12: Green Infrastructure
- Core Strategy Policy CS14: Housing Type and Size
- Core Strategy Policy CS15: Housing Density
- Core Strategy Policy CS18: Climate Change
- Core Strategy Policy CS19: Development and Design Principles

Policy CS01 (Sustainable Development) sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy

Policy CS02 (Scale and Distribution of Development) prioritises development in the urban area by promoting regeneration by the redevelopment and recycling of underused, derelict and previously developed land, revitalising Gravesend Town Centre and bringing forward a range of suitable sites for residential and employment development. It makes a commitment to meeting the Borough's objectively

<sup>1</sup> See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

assessed need for 6,170 new dwellings over the plan period and outlines where new development will take place.

Policy CS11 (Transport) sets out that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards reflecting the availability of alternative means of transport and accessibility to services and facilities.

Policy CS12 (Green Infrastructure) requires that there should be no net loss of biodiversity in the Borough and gives protection amongst other things to internationally designated sites. It sets out that the overall landscape character and valued landscapes within the borough will be conserved and enhanced, with greatest weight being accorded the Kent Downs AoNB. In other areas, the Gravesham Landscape Character Assessment and any relevant Cluster Study should be taken into account.

Policy CS14 (Housing Type and Size) expects new housing development 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. Paragraph 5.10.8 indicates that the Council will protect the mix of housing in the existing housing stock and will resist the conversion of family sized units to smaller properties.

Policy CS15: (Housing Density) states that sites will be delivered at a variety of densities, depending on their location and accessibility to public transport. It states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, within the urban area, new residential development will be expected to achieve a minimum density of 40 dwellings per hectare, while in the rural area new residential development will be expected to achieve a minimum density of 30 dwellings per hectare.

Policy CS18 (Climate Change) seeks to ensure that Water Framework Directive objectives are secured and that the impact of development on waste water drainage systems is minimised. Surface water run-off from all new development should, as a minimum, have no greater adverse impact than the existing use. It requires the use of Sustainable Drainage Systems where technically and financially feasible. It requires the water efficiency measures to be installed to achieve the equivalent of level 3/4 of the Code for Sustainable Homes (105 litres per person per day)<sup>2</sup>

Policy CS19 (Development and Design Principles) sets out detailed criteria against which the acceptability or otherwise of proposed development will be evaluated. In particular it requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built and natural environment and integrate well with the surrounding local area and meet anti-crime standards. The design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene and to the character of the area.

It requires account to be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings and of the wider context including features of townscape and landscape value, which contribute to local character and sense of place.

It requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and avoid adverse environmental impacts from pollution. New residential development is required to accord with the adopted Residential Layout Guidelines and will be required to provide appropriate levels of private and public amenity space.

Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity and provide appropriate facilities for the storage and disposal of waste.

### ***Gravesham Local Plan First Review 1994***

The Gravesham Local Plan First Review was originally adopted in November 1994.

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<sup>2</sup> Now equivalent to 110 litres per person per day as required by National Standard – see GBC Housing Standards Policy Statement (2015) at [http://www.gravesham.gov.uk/\\_\\_data/assets/pdf\\_file/0016/201625/Housing-Standards-Policy-Statement.pdf](http://www.gravesham.gov.uk/__data/assets/pdf_file/0016/201625/Housing-Standards-Policy-Statement.pdf)

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219).

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this application:

Policy H5: Increasing the Housing Stock by the Conversion of Existing Buildings

Policy H6 (iii): Provision to meet Special Housing Needs

Policy T1: Impact of Development on the Highway Network

Policy T5: New Accesses onto Highway Network

Policy P3: Vehicle Parking Standards

Saved Policy H5 indicates that in considering proposals for the conversion of existing properties to flats, maisonettes, bedsitters, hostels, homes and other forms of multiple occupancy, regard will be had to certain criteria, namely that the building should be in an appropriate area for conversion to flats etc., the building should be of a size that is unsuitable for single family accommodation, the proposal should comply with residential layout guidelines and the adopted vehicle parking standards must be achieved wherever feasible.

Saved Policy H6 (iii) indicates that the Borough Council will in principle support proposals for residential hostels and homes in appropriate locations by Housing Associations, the private sector and other organisations, but that, whether by new build or by conversion, the Borough Council will take particular care to ensure that these do not cluster together and harm the overall character of the area.

Saved Policy T1 requires that all proposed developments are adequately served by the highway network as identified on the Proposals Map.

Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

### Review of the Local Plan

Paragraph 33 of the NPPF (2021) sets out 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.

The Council undertook such a review in September 2019 and it 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 adoption 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 National Planning Policy Framework (2021), the Council will also seek to replace these in due course.

## **Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020**

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles;  
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts;  
Proposed Policy INF 4: New Accesses and Junctions;  
Proposed Policy INF 5: Electric Vehicle Charging Points;  
Proposed Policy GI 6: Biodiversity;  
Proposed Policy RES 2: Residential Space Standards;  
Proposed Policy RES 4: Domestic extensions, outbuildings and other development;  
Proposed Policy RES 5: Residential Intensification through Sub-Division and Conversion;  
Proposed Policy AM 4: Sunlight and Daylight within New Development;  
Proposed Policy AM 5: Noise and Vibration;

**Proposed Policy RES 5:** Residential Intensification through Sub-Division and Conversion, states:

9.5.15. Proposals for flats, maisonettes, bedsits, hostels, houses in multiple occupation or residential institutions will only be allowed where they:

- Will not result in the loss of family-sized dwellings. Development proposals which include the loss of a family-sized dwelling will only be permitted where evidence is provided of the property being proactively marketed for a minimum period of 12 months, on realistic terms;
- Achieve good quality living conditions for future residents, including providing a suitable internal layout, sufficient floorspace and adequate useable amenity space;
- Will not adversely affect the amenity of existing or neighbouring residents; demonstrate that satisfactory standard of servicing and parking can be provided, including making adequate provision for bin storage, cycle storage and drying areas; and
- Will not result in the clustering together of similar uses which harm the overall character and amenity of the area.

9.5.16. For the purposes of this policy, a family-sized dwelling is defined as one with up to 4 bedrooms or a maximum gross internal floor area of 118 square metres, whichever is the greater.

### National Planning Policy Guidance

#### ***The National Planning Policy Framework (NPPF)***

The National Planning Policy Framework (NPPF) July 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective;
- A social objective; and
- An environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the application proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

- Section 2, Paragraphs 7 - 14: Achieving Sustainable Development;
- Section 4, Paragraphs 38 - 59: Decision Making;
- Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport;
- Section 12, Paragraphs 126 - 136: Achieving well-designed places;
- Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment;

### ***The National Planning Practice Guidance (NPPG)***

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95).

### **Supplementary Planning Guidance and other Documents**

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006);
- GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2) Adopted February 1996 - amended June 2020;
- Technical Housing Standards: Nationally Described Space Standards, March 2015;
- Planning Policy for vehicular accesses to classified highways (SPG 6, November 1992);
- Householder Extensions/Alterations Design Guide SPD, adopted 01 October 2021;
- Guidance to HMO Amenity Standards - Working in Partnership 2006;
- The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy by Footprint Ecology 2014;

## **Consultations, Publicity and Representations**

### ***Consultations - Internal***

#### GBC Private Housing

The applicant must be satisfied that no Category 1 hazards exist as defined by the Housing Act 2004, Housing Health and Safety Rating system (HHSRS). Information on the Housing Act 2004 and HHSRS can be found at [www.gov.uk](http://www.gov.uk)

The proposals will constitute a house in multiple occupation (HMO) and one which will require licensing. Further information and an online application can be found at <http://www.gravesham.gov.uk/home/licensing/houses-in-multiple-occupation/overview>

Compliance with the following guidance document must be met: 'Guidance to HMO Amenity Standards', which can also be found on the website.

Occupiers must be able to immediately exit the rear of the property in the event of a fire in order to reach a final place of safety. There must be no locks in place which require the use of a key.

FD30S doors must fit snugly into the door frame, be fitted with self-closers, cold smoke seals and intumescent strips and comply with the necessary British Standards. (Perko self-closers are not acceptable).

En-suite shower rooms must be so designed that the facilities contained within are easily useable. Affected en-suites need redesigning which may encroach on room space, therefore room sizes will need to be reassessed and permitted occupancy numbers may change.

The suitability of the extension roof and positioning of insulation will be vital in preventing condensation and mould in this area, particularly being adjacent to the kitchen. The drainage from the first floor communal shower room is unlikely to meet building control standards. Advice on both these issues must be sought from STG Building Control 01634 33 11 33.

The applicant can seek further advice from the Private Housing Team at [www.private.housing@gravesham.gov.uk](mailto:www.private.housing@gravesham.gov.uk)

#### GBC Highways Development Management Officer

Vehicle parking standards do not exist for houses in multiple occupation. It can be very difficult to judge who will live here and what if any vehicles they will own.

London Road is subject to waiting restrictions and the nearby residential streets have a permit scheme in operation to protect on street parking for residents.

Kent Design Guide Interim Guidance Note 3 Residential Parking suggests where such conditions exist, maximum car parking provision can be considered.

Given the circumstances and the guidance, I do not consider car parking is required at this property, although generally I would ask for a minimum of 50% provision or 4 spaces. However, there should be adequate provision for the secure and weatherproof storage of a minimum 8 cycles to ensure compliance with adopted vehicle parking standards of one space per bedroom. Ideally two of these spaces should be adequate to accommodate an adapted cycle, which could be to be meet the needs of a delivery cycle or one adapted for a disabled person for example.

The department for Transport publication Local Transport Note 1/20 Cycle Infrastructure Design gives the following details regarding cycle size.

**Table 5-1: Size and minimum turning circles of cycles**

| Type of Cycle                 | Typical length (m) | Typical width (m) | Minimum turning circle (m) |                                           |
|-------------------------------|--------------------|-------------------|----------------------------|-------------------------------------------|
|                               |                    |                   | Outer radius               | Inner radius                              |
| Cycle design vehicle          | 2.8 (max)          | 1.2 (max)         | 3.4 (max)                  | 0.1 (min)*<br>2.5m (3 and 4 wheel cycles) |
| Solo upright cycle            | 1.8                | 0.65              | 1.65                       | 0.85                                      |
| Cycle plus 850mm wide trailer | 2.7                | 0.85              | 2.65                       | 1.5                                       |
| Tandem                        | 2.4                | 0.65              | 3.15                       | 2.25                                      |

\*applies only to some cycles that can pivot at very low speeds

In addition the cycle store should have appropriate provision for the recharging of batteries that are contained in the frame of some electric assisted cycles.

Ideally, although there is no Policy support, provision should also be made for a couple of motorcycle parking spaces, again with electric charging points for battery powered motorcycles.

Whilst any conversion to a HMO is of concern, the lack of suitable guidance makes them difficult to assess. From the guidance available I determine there is no highway reason to object, providing suitable provision is made for cyclists

#### GBC Waste Services

I have reviewed the above planning application and I am happy with the refuse and recycling information provided.

The property is an 8 person (6 bedroom) HMO so the property requires space for a minimum of 2 x 240ltr bins for each material type (refuse and recycling). To allow for food waste there needs to be space for 3 x 23ltr food caddies. I have detailed below the measurements of each type of bin.

| Capacity | 240ltr Recycling Bin | 23ltr Food Caddy |
|----------|----------------------|------------------|
| Length   | 585mm                | 380mm            |
| Width    | 740mm                | 290mm            |
| Height   | 1100mm               | 405mm            |

#### Ward Councillors

Concerns at the location, constrained space and scale of HMO, the implications for on street parking, waste collection and impact on neighbours.

The parking provision is going to be from one vehicle parking space to zero while adding 2 more bedrooms. This cannot be justified when there are already issues related to parking on London Road, Burnaby Road, Gordon Road, and Rural Vale.

Originally queried the description which suggested 8 bedrooms and also the size of bedrooms; notes that all other bedrooms have ensuite bathrooms except for bedroom four.

Asks if there is a fire escape plan.

## **Consultations - External**

### **Kent Highways and Transportation Services**

To date, KCC has no parking standard for houses of multiple occupancy, although GBC may well have introduced their own standards. Opinion across the country is varied on the number of parking spaces that should be provided - between 0.2 spaces and 1 space per bedroom.

It would appear from the drawings submitted that only one vehicle parking space is proposed and 4 cycle parking spaces. It is suggested that this level of parking is inadequate on both counts and should provide at least 2 vehicle parking spaces and 8 cycle parking spaces. However, it is recognised that the location is well served by public transport (buses) and there are bus stops available immediately outside the property and well as parking restrictions along London Road (but side roads nearby are not similarly restricted and the proposed use may add to the parking pressures already in those roads.

It may be possible to apply a condition that any occupants of the HMO property shall not own cars but this would be difficult to enforce.

Further information should be submitted regarding the level of vehicle and cycle parking proposed and how the applicant is able to justify those numbers. Without this further information, it is recommended that the application should be refused on lack of both vehicle and cycle parking grounds.

INFORMATIVE: Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development 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.

### **Publicity and Representations**

To 26 adjoining dwellings and premises. The expiry date for comments was 28 September 2021.

Three neighbour objections have been received with the objections summarised as follows:

- Rosherville is predominantly an area of houses and flats and for family occupation; the HMO would not be in keeping with the area; there is a nursery school opposite and a primary school nearby.
- The dwelling should be retained for single-family accommodation for supporting local schools.
- There are concerns at noise and anti-social behaviour.
- There will be a major increase in the amount of people living at this address and of course the likelihood of increased parked vehicles in an already congested area; this will cause even more difficulties to the residents in Beresford Road and Burnaby Road.
- Lack of off-street car parking; the extension will take away the parking area at the back of this property that the previous occupants have used.
- There is also the cycle path scheme that the Council are proposing for London Road, which will remove 12 parking places and relocate them to the side streets.
- Lack of space for waste storage; this will cause health problems.
- There is no indication of fire exits on the plans.
- Devaluation of property (*Note - This is not a relevant material planning issue*).

## Planning Analysis and Assessment

### The Issues

The principal issues in the consideration of this application are:

- Principle of the Development;
- Design and Impact on the Surrounding Area;
- Amenity of Future Occupiers;
- Amenity of Neighbouring Properties;
- Parking and Highway Safety;
- Ecology and Biodiversity; and
- Any Other Material Planning Considerations

### Principle of the Development

#### *Policy and Housing Need*

Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy (LPCS) indicates that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy.

Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing 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 Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

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 paragraph 181)
- 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.

However, as part of this balancing exercise, it should be noted that paragraph 130 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development, it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

There are a number of planning, highway and other material planning issues that need very careful

consideration in the assessment of this development.

## Design and Impact on the Character of the Surrounding Area

### *Policy*

The design and built form of the proposals need to be considered against the Council's Core Strategy Policy CS19 (Development and Design Principles) that sets out detailed criteria. Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area.

At a national level the NPPF sets out that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraphs 126 and 130 of Part 12 - Achieving well designed places)

Paragraph 130 of the NPPF also indicates that developments need to respond to local character and history, and reflect the identity of local surroundings and materials or establish a strong sense of place, using streetscapes and buildings to create attractive, welcoming and distinctive places to live.

Paragraph 134 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

### *Design and Impact on the Building*

In terms of the external changes to the existing building, these are fairly minimal other than the single storey rear extension to the building. The rear extension is of a flat roofed design and built in a facing brick on to a rendered projecting wing of the building. There is a substantial bulky brick building running the full length on the east side of the rear garden of the application property at two storey height.

The design and appearance of the rear extension would conform to adopted policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the Householder Extensions/Alterations Design Guide SPD, adopted 01 October 2021 and section 12 of the NPPF.

### *Impact on Character - Appropriateness/Suitability of the Use*

Whilst it is recognised that development which makes effective use of land should be supported, this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF 2021 (paragraph 119). Relevant to this proposal, paragraph 124 of the NPPF 2021 states that developments that make efficient use of land should take into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed buildings and places. This latter point is fundamental to what the planning and development should achieve.

In a similar vein, Policy CS14 of the Gravesham Local Plan Core Strategy 2014 sets out 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.

Conversely, paragraph 5.10.8 in Policy CS14 indicates that the Council will protect the mix of housing in the existing housing stock and will resist the conversion of family sized units to smaller properties. In addition, saved Policy H5 of the Gravesham Local Plan First Review 1994 indicates that in considering proposals for the conversion of existing properties to flats etc. including multiple occupation, regard will be had to certain criteria, namely that the building should be in an appropriate area for conversion to flats etc. the building should be of a size that is unsuitable for single family accommodation, the proposal should comply with residential layout guidelines and the adopted vehicle parking standards must be achieved wherever feasible.

Emerging policy RES 5 (Residential Intensification through Sub-Division and Conversion), in the

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020 indicates that proposals for flats etc. including houses in multiple occupation or residential institutions will only be allowed where they:

- Will not result in the loss of family-sized dwellings.
- Achieve good quality living conditions for future residents
- Will not adversely affect the amenity of existing or neighbouring residents
- Demonstrate that a satisfactory standard of servicing and parking can be provided; and
- Not result in the clustering together of similar uses which would harm the overall character and amenity of the area.

It is noted that there are neighbour objections to the loss of single-family accommodation.

The building is currently a 4-bedroom dwelling suitable for continued single-family accommodation. It has not been demonstrated as to whether the property has been proactively marketed for a minimum period of 12 months, on realistic terms, as a family dwelling as required by emerging policy.

The adjoining property is still occupied as a single-family dwelling and there are principally single-family dwellings in the adjoining streets at Burnaby Road and Beresford Road

GBC Private Housing have advised that there are 4-5 large HMO's nearby which might perhaps suggest a clustering of such uses at variance with emerging policy.

Whilst it is acknowledged that locally, there are some smaller units of accommodation above local shops/commercial premises and there is a purpose built flatted accommodation opposite the site at Fountain Walk, the application dwelling is located within an area of single-family dwellings and essentially is of a size appropriate for continued single-family accommodation. It relies on the proposed extension to increase the available floorspace to achieve the subdivision into a larger HMO rather than by direct conversion.

Fundamentally, therefore, there is a policy objection to the development as being contrary to Policy CS14 (Housing Type and Size) of the Gravesham Local Plan Core Strategy 2014, saved policy H5 (Increasing the Housing Stock by the Conversion of Existing Buildings) of the Gravesham Local Plan First Review 1994 and emerging policy RES 5 (Residential Intensification through Sub-Division and Conversion) of the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020, and that the development would not accord with the character and appearance of the area.

#### Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy 2014 requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the (SPG2) adopted GBC Residential Layout Guidelines'.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.

On 25 March 2015, the Government issued a written ministerial statement, which introduced new technical housing standards in England. This means that the Borough Council now interpret Tables 1 and 3 of the Residential Layout Guidelines July 1996 in accordance with the new standards.

In relation to HMO's the Council has published Guidance to HMO Amenity Standards (Version 2.2.1 31/07/2006).

This sets out a number of criteria to be met as well as minimum room sizes. See table below

| Room Description                           | Minimums          |                     |
|--------------------------------------------|-------------------|---------------------|
|                                            | 1 Person Unit     | 2 Person Unit       |
| Combined bedroom , living room and kitchen | 13m <sup>2</sup>  | 20.5 m <sup>2</sup> |
| Combined bedroom and living room           | 10m <sup>2</sup>  | 14m <sup>2</sup>    |
| Combined living room and kitchen           | 12m <sup>2</sup>  | 15m <sup>2</sup>    |
| Kitchen                                    | 4.5m <sup>2</sup> | 4.5m <sup>2</sup>   |
| Living Room                                | 9m <sup>2</sup>   | 12m <sup>2</sup>    |
| Bedroom                                    | 6.5m <sup>2</sup> | 10m <sup>2</sup>    |

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

In respect of the above minimum standards the proposed rooms (as combined bedroom and living rooms) meet the HMO standards for bedrooms 1, 2, and 4 with bedroom 5 marginally under the minimum floorspace standards and this is on the basis of those rooms only being used for one person.

Bedroom 3 as a combined bedroom and living area for 2 occupants just meets the minimum standard (14m<sup>2</sup>) while bedroom 6 for 2 persons as a combined living room, bedroom and with a kitchenette is below the above standards.

The communal ground floor kitchen would meet the above minimum standards.

Whilst the consultation comments from the Council's Private Housing Section do not raise an objection to the application per se they do point out, amongst other things, that:

- En-suite shower rooms must be so designed that the facilities contained within are easily useable. Affected en-suites need redesigning which may encroach on room space, therefore room sizes will need to be reassessed and permitted occupancy numbers may change.
- The drainage from the first floor communal shower room is unlikely to meet building control standards

There is one communal shower room/wc on the first floor which at 2.2m<sup>2</sup> is well below the minimum GBC residential layout guidelines for a bathroom/wc of 3.5m<sup>2</sup>. Similarly, most of the ensuite rooms are circa 2.2m<sup>2</sup> which are also below this standard and as identified by the Council's Private Housing Team may not easily be useable.

The above analysis suggests that the layout is rather cramped as proposed for future occupiers and thus currently an over-intensive use of the premises with an unacceptable level of amenity for the future occupants contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the adopted GBC Residential Layout Guidelines, SPG2 and the published Guidance to HMO Amenity Standards (Version 2.2.1 31/07/2006).

#### Amenity of Neighbouring Properties

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 130 of the NPPF (2021) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

The proposals include, in addition to the change of use and proposed form of occupancy, a rear single storey extension extending a further 3m into the rear garden next to the boundary with 50 London Road Northfleet. However, the depth and height of the extension are not considered to result in a material impact

on the living conditions of the adjoining property in terms of loss of light or overlooking.

The proposal will result in a more intensive use of the dwelling and there are neighbour concerns at additional noise from numerous households living in the previously one property. Nevertheless, it is not considered that the intensity of occupation is likely to result in a material increase in noise and disturbance to the neighbouring properties and in any event such matters can effectively be controlled through other legislation.

Therefore, in terms of neighbour impacts it is not considered that the development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

### Highway Impacts and Vehicle Parking

At a local level Gravesham Local Plan Core Strategy Policy CS11 (Transport) states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities.

This approach to development is also supported by saved policies in the Gravesham Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto the Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4) and Planning Policy for vehicular accesses to classified highways (SPG 6, November 1992).

Vehicle parking is not available on street outside the frontage of the site due to the presence of a bus stop and layby and also double yellow lines that run up to and round the corner into Burnaby Road (which is a no through road). From a point towards the rear of no 49 London Road (Family Chicken & Ribs) all of Burnaby Road on both sides is subject to a Permit Parking Scheme. This also applies to Beresford Road to the east and is Zone F. The parking restrictions are:

*Monday to Saturday 8am - 6.30pm – Two hours free parking with no return for one hour (Zone F permit holders exempt)*

*Monday to Saturday 6.30pm - 8am – Zone F permit holders only*

*Sunday - Free parking*

*The above restrictions only apply in Zone F marked bays. There may be other restrictions in the zone such as single and double yellow lines or timed bays that are not covered by the same restrictions. It is important to always check the signs before leaving the vehicle.*

*Restrictions are in force all year round.*

The rear garden of the building has been used in the past for vehicle parking. The submitted block plan purports to show one parking space within the remaining yard at the rear (between the rear gate and the rear extension) and a cycle stand for 4 cycles, although the submitted application form indicates no parking provision will be made at all, and that there will be a loss of the one parking space on the site.

Significantly, in this case there is an objection on highway grounds from the highway authority, Kent County Council, on lack of both vehicle and cycle parking grounds suggesting that the level of parking is inadequate on both counts and that the applicants should provide at least 2 vehicle parking spaces and 8 cycle parking spaces, notwithstanding that the site that the location is well served by public transport (buses) and there are bus stops available immediately outside the property. KCC Highways and Transportation also point out that there are parking restrictions along London Road (but side roads nearby are not similarly restricted, but still subject to permit parking) and that the proposed use may therefore add to the parking pressures already in those roads.

At a local level the GBC Highways Development Management Officer also expresses concern at the level of cycle parking being offered within the site.

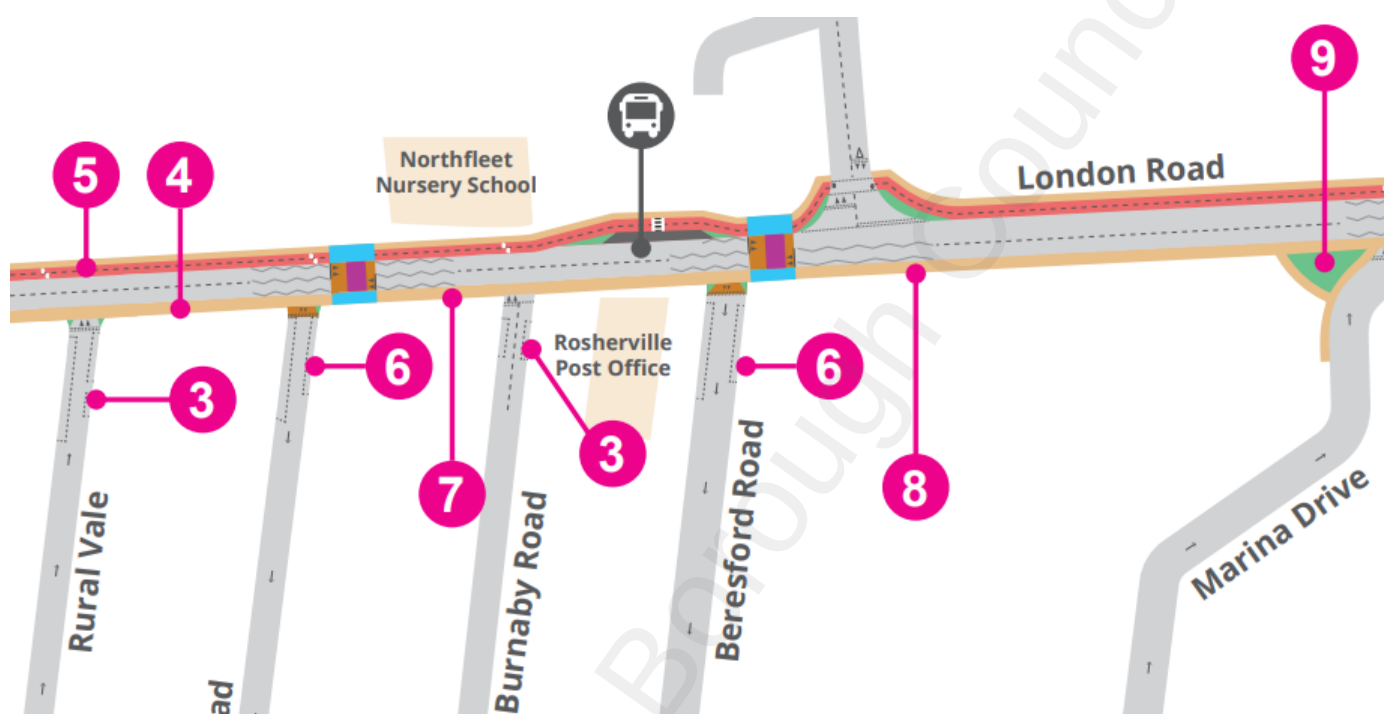
There are resident and ward councillor objections to lack of off street parking and the impact that this will

have for residents in Beresford Road and Burnaby Road resulting in parking congestion in surrounding streets.

It should be noted that there is reference in neighbour comments to a cycle path scheme that the Council are proposing for London Road, which will remove 12 parking places and relocate them to the side streets. This is a proposal by the highway authority, Kent County Council, and is currently being consulted on (closing date 25<sup>th</sup> October 2021). The link to this is below

<https://letstalk.kent.gov.uk/gravesham-gravesend-to-northfleet>

An extract from the proposed plan and key to the plan is shown below. It includes making Beresford Road one way.



#### KEY

|                                 |                                      |
|---------------------------------|--------------------------------------|
| Carriageway                     | Controlled crossing                  |
| Separated cycle track (one way) | Uncontrolled crossing                |
| Separated cycle track (two way) | Bus boarder                          |
| Shared use area                 | Landscaping opportunity / verge area |
| Footway                         | Raised table                         |

#### ITEM KEY

|                                                |                                                                    |
|------------------------------------------------|--------------------------------------------------------------------|
| 1 New signalised pedestrian and cycle crossing | 7 4 out of 4 parking bays removed                                  |
| 2 New parallel crossing                        | 8 12 out of 12 parking bays removed                                |
| 3 2 parking bays (moved from main road)        | 9 Pocket park opportunity                                          |
| 4 3 out of 3 parking bays removed              | 10 Cycle lane merges with carriageway                              |
| 5 Eastbound bus stop removed                   | 11 One way traffic system on St James's Avenue and St James's Road |
| 6 4 parking bays (moved from main road)        | 12 Parking reallocation (3 bays)                                   |

visualisation viewpoint

Therefore, having regard to the KCC Highways objection on parking and highway safety grounds, along with the neighbour concerns, it is considered that the proposals would be detrimental to highway safety and contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) saved Policy P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review 1994 and supplementary guidance in the adopted KCC vehicle parking standards (SPG4).

## Ecology and Biodiversity

The application site is located in the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

Mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy, with mitigation measures being implemented by Bird Wise North Kent.

The Local Planning Authority, having considered the recreational pressures on the Ramsar site and SPA in Gravesham, has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) or non-Use Class C3 residential use, which does not require any other contributions to be secured through a Section 106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement. For houses in multiple occupation, the tariff is calculated per net increase in bedrooms.

All monies raised are passed on to Bird Wise North Kent to pay for mitigation measures to be implemented.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach not considered to be valid, as the CJEU ruling considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and that mitigation measures cannot be taken into account at the screening stage.

In this case, the applicants have not paid towards the mitigation and the amount has not been requested given other objections/concerns to the proposal.

Therefore the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

## Any Other Material Planning Considerations

### *Waste Management*

The provision of suitable arrangements for waste storage is a condition of issuing a HMO license. Whilst the storage of bins at the front of the property is not ideal visually, they will be stored behind an existing wall at the front and the Council's Waste Operations Manager is satisfied with the refuse and recycling information provided, notwithstanding the concerns expressed by local residents. The property is an 8 bedroom HMO so the property requires space for a minimum of 2 x 240ltr bins for each material type (refuse and recycling). To allow for food waste there needs to be space for 3 x 23ltr food caddies. If

planning permission was to be granted this matter would be dealt with as a planning condition.

### *Fire Safety*

It is noted that ward councillors and neighbours have asked about fire escapes and fire exits on the submitted plans. GBC Private Housing advise that all HMOs have to do a fire risk assessment and although it is not something that they enforce, they are the lead authority for fire safety matters and ensure adequate alarm systems, means of escape etc. are provided.

### **Conclusions and Overall Balancing Exercise**

The proposal would have the benefit of providing small units of accommodation through a larger HMO contributing to the Borough's housing stock, which would be a modest contribution to the Borough's overall housing supply and adds some limited weight to the proposal.

It is acknowledged that currently the Borough Council is failing to meet its housing delivery targets and a tilted balance would apply. The presumption of sustainable development as set out in Framework paragraph 11 requires planning permission to be granted unless either of two circumstances apply. The first is where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (paragraph 11(d)(i)). The second is where any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, in which case in accordance with Framework paragraph 11(d)(ii) the presumption in favour of sustainable development would not apply.

The overall planning assessment has concluded that

- The proposals will result in the loss of an existing 4-bedroom family type dwelling and essentially is of a size appropriate for continued single-family accommodation. This is contrary to local policy.
- The internal layout of this large house in multiple occupation (HMO) is rather cramped as proposed for future occupiers and thus currently an over-intensive use of the premises with an unacceptable level of amenity for the future occupants. This is contrary to local policy.
- The intensity of occupation as proposed, and having regard to the intention to provide no off street parking within the site is likely to result in demand from future occupiers of the HMO for on street parking in adjoining residential streets where there are already very high levels of on street parking and which are subject to permit parking restrictions. This is contrary to local policy.
- The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the Special Protection Area (SPA)/Ramsar site. The National Planning Policy Framework provides a clear reason for refusing the proposal in this regard and is also contrary to local policy.

On balance therefore, it is considered that the benefit of the larger HMO and the provision of a 6 bedroom HMO for 8 persons does not outweigh the harm that has been identified above.

As such, it is recommended that planning permission be **REFUSED**.

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### **Recommendation:**

#### **REFUSED on the grounds that:**

1. The proposals will result in the loss of an existing 4-bedroom family type dwelling and essentially is of a size appropriate for continued single-family accommodation. It relies on the proposed extension to increase the available floorspace to achieve the subdivision into a larger HMO rather than by direct conversion. Whilst it is acknowledged that locally, there are some smaller units of accommodation above local shops/commercial premises and there is a purpose built flatted accommodation opposite the site at Fountain Walk, the application dwelling is located within an area of primarily single-family dwellings. As

such the development is contrary to Policy CS14 (Housing Type and Size) of the Gravesham Local Plan Core Strategy 2014, saved policy H5 (Increasing the Housing Stock by the Conversion of Existing Buildings) of the Gravesham Local Plan First Review 1994 and emerging policy RES 5 (Residential Intensification through Sub-Division and Conversion) of the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020, and that the development would not accord with the character and appearance of the area.

2. The internal layout of this large house in multiple occupation (HMO) is rather cramped as proposed for future occupiers and thus currently an over-intensive use of the premises with an unacceptable level of amenity for the future occupants contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the adopted GBC Residential Layout Guidelines, SPG2 and the published Guidance to HMO Amenity Standards (Version 2.2.1 31/07/2006).

3. The intensity of occupation as proposed, and having regard to the intention to provide no off street parking within the site is likely to result in demand from future occupiers of the HMO for on street parking in adjoining residential streets where there are already very high levels of on street parking and which are subject to permit parking restrictions. This will lead to additional congestion to the detriment of highway safety and to the detriment of existing residents. In addition, the application fails to make adequate provision for the secure and weatherproof storage of cycles within the site. As such the development would be detrimental to highway safety and contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) saved Policy P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review 1994 and supplementary guidance in the adopted KCC vehicle parking standards (SPG4).

4. The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the Special Protection Area (SPA)/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) and paragraphs 180 and 181 of the National Planning Policy Framework (2021) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

## **INFORMATIVES**

### **1 DRAWINGS AND DOCUMENTS**

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents

Application Form;  
Covering letter dated 01 September 2021;  
Drawing No 2000: Site Location Plan;  
Drawing No 2001: Proposed Block Plan;  
Drawing No 2002: Existing Floor Plans;  
Drawing No 2003: Existing Elevations;  
Drawing No 2004 Rev: Proposed Floor Plans;  
Drawing No 2005: Proposed Elevations;

### **2 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.

In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

Pre-application advice was given in this case in relation to a six person HMO highlighting the planning issues including the need for a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site.

|                      |                                                                                   |                     |                                                                                     |
|----------------------|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mr Peter Price                                                                    | <b>Team Leader:</b> | Faye Hobbs                                                                          |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 21 <sup>st</sup> October 2021                                                     | <b>Dated:</b>       | 26 <sup>th</sup> October 2021                                                       |

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20211094 - Delegated Report - 51 London Road Northfleet - single storey rear extension and change of use from a single dwelling into an 8 person 6 bedroom HMO