

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240386
Location	69 Milton Road Gravesend Kent DA12 2PJ
Proposal:	Application for a Lawful Development Certificate for a proposed change of use to a 5 bed HMO.
Applicant:	Mr Guljar Singh
Site Visit	19 June 2024

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
Drawing no. PL/69MR/SD100 Existing layouts;
Drawing no. PL/69MR/SD101 Existing elevations
Drawing no. PL/69MR/SD102A Proposed basement layout;
Drawing no. PL/69MR/SD103A Proposed ground floor layout;
Drawing no. PL/69MR/SD104A Proposed first floor layout;
Drawing no. PL/69MR/SD105A Proposed second floor layout;
Drawing no. PL/69MR/SD106 Proposed elevations;
Drawing no. PL/69MR/SD107 Red line site boundary plan; and
Letter from the agent dated 03 July 2024.

Superseded Plans & Documents

Drawing no. PL/69MR/SD102 Proposed basement layout;
Drawing no. PL/69MR/SD103 Proposed ground floor layout;
Drawing no. PL/69MR/SD104 Proposed first floor layout; and
Drawing no. PL/69MR/SD105 Proposed second floor layout.

Procedural issues

Following the site visit and a request from the case officer, the proposed development was amended to remove separate kitchen facilities from each of the proposed rooms and the number of proposed occupiers (five) was clarified.

Property Type

The property comprises of a mid-terraced, five bedroom dwelling with front and rear gardens.

Material Consideration

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

Relevant Planning History

None.

Consultations, Publicity and Representations

There is no statutory requirement to undertake publicity or consultation regarding a Lawful Development Certificate (LDC) application. However in this instance, the Borough Council consulted the following;

GBC Service Manager (Housing Options)

We do not recommend full cooking facilities be sited within individual bedrooms.

The proposed plan does not show a fire door separating the kitchen and the main means of escape. A minimum of a FD30s will need to be installed to compartmentalise high risk room and protected escape route.

Clarity required on the window to the communal living area, will this be an escape window and used as a secondary means of escape.

FD30s required at the top or base of the stairs leading down to the communal living area.

It is recommended for the FD30s to have a viewing pane incorporated.

The property appears to be suitable for the use of 6 occupants, 4 households HMO.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing requirements.

Kent Police Designing Out Crime Team

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

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

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

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

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

suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: “18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

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

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

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

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

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

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

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

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

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

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

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

Officer Assessment

Permitted Developments Rights Restrictions

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

This proposal comprises of the conversion of a five bedroom dwellinghouse into a five bedroom House in Multiple Occupation (HMO). The applicant has confirmed that there would be a maximum of five occupants in the proposed HMO.

Part 3, Class L of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to the conversion of dwellinghouses to small HMOs and vice versa. Under Part 3, Class L, a dwellinghouse can be converted to a HMO for no more than six (unrelated) people who share amenities, provided it meets the following criteria;

Class L – Small HMOs to Dwellinghouse and vice versa

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

The application property is a dwellinghouse (as defined in Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). Small HMOs are defined as "Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom" in Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed development would result in a five bedroom, five person, HMO with shared kitchen, dining and living facilities. Each bedroom would have a sink and fridge, so that future occupiers have access to their own food storage and washing facilities but no separate cooking facilities would be available. As such, the proposal would be a Class C4, small HMO.

The comments of consultees have not been taken into consideration in the determination of this application because a lawful development certificate must be judged only on facts and relevant planning law. However, the comments of the GBC Service Manager (Housing Options) have been given to the applicant for information. The comments of the Kent Police Designing Out Crime Team can be given to the applicant in an informative on any certificate granted.

The proposed development would be in line with the criteria set out in Part 3, Class L of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, it would be permitted development.

Conclusion

The proposed development complies with the provisions of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would not be required and a lawful development certificate can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	03 July 2024	Dated:	3 rd July 2024