

## SUMMARY REPORT

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|---------------------------------|---------------------------------------------------------------------------------------------------|
| <b>Application Ref:</b>         | 20240033                                                                                          |
| <b>Site Address:</b>            | Mary Ann Doyle House Seymour Road Northfleet Gravesend                                            |
| <b>Application Description:</b> | Change of use from a hostel (sui generis) to a HMO (sui generis) with minor internal alterations. |
| <b>Applicant:</b>               | Clare House Of Mercy, House Of Mercy                                                              |
| <b>Agent:</b>                   | Ms Clare Wright, C. B. Wright & Associates Ltd                                                    |
| <b>Ward:</b>                    | Coldharbour And Perry Street                                                                      |
| <b>Parish:</b>                  | Non-Parish Area                                                                                   |
| <b>Decision due date:</b>       | 19 March 2024                                                                                     |
| <b>Publicity expiry date:</b>   | 12 April 2024                                                                                     |
| <b>Decision Level:</b>          | Committee Decision                                                                                |
| <b>Reason for referral:</b>     | Member call in                                                                                    |
| <b>Recommendation:</b>          | Approval                                                                                          |

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### **Summary of Reasons for Recommendations**

The proposal is to change the use of the building and site from a hostel to a House of Multiple Occupation (HMO). There would be some internal alterations but no external changes are proposed to the building. There would be no increase in bedroom numbers, with the HMO providing 12no. bedrooms.

The proposals will have no detrimental impact on the surrounding landscape, character of the area, amenity, highway safety or parking. The scheme takes into account the history of the site and wider context of the area.

In order to be positive and proactive, during the course of the application discussions took place with the agent to address (where appropriate) comments received from consultees and 3rd parties.

The development is considered to comply with local and national planning policy.

The recommendation is for planning permission, subject to conditions as set out within this report.

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## MAIN REPORT

### 1. Site Description and Surroundings

- 1.1. The site is in an Urban, Residential Area within the Coldharbour and Perry Street Ward in Northfleet. It is within the urban area of Gravesham, where the Local Plan Core Strategy supports development subject to the wider provisions of the Development Plan and material (planning) considerations. The site is not within a Conservation Area or a Landscape Character area.
- 1.2. The current building serves as a hostel for homeless people for up to 12 people, owned by the Sisters of Mercy and is spread across 3 floors. Previously the building served as a public house, which pre-dated most of the residential development which now surrounds the building.

### 2. Planning History

| Reference | Description                                                                                                                                                                                                                                                                                                 | Decision  | Decision Date |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20130756  | Change of use from public house to hostel for the homeless involving alterations and extensions including side extension to form store/fire escape at basement level and fire escape at first floor level; external fire escape at first floor level and construction of detached shelter in amenity space. | Permitted | 16.12.2013    |

### 3. Proposal

- 3.1. The proposal is to change the use of the building and site from a hostel to a House of Multiple Occupation (HMO). There would be internal alterations but no external changes would be proposed to the building. There would be no increase in bedroom numbers, with the HMO providing 12no. bedrooms.
- 3.2. The proposed HMO would consist of:
  - 12 single person rooms; 8 with integrated WC and showers/bath
  - 2 communal WC
  - 1 communal shower
  - 2 communal WC and Shower/bath
  - 1 kitchen
  - 1 Dining room
- 3.3. Prior to its current use as a hostel for the homeless, this building served as a public house. Condition 2 of decision notice 20130756, ties the use of the premises as a Homeless shelter to the Trustees of the Sisters of Mercy. It requires that when ownership and/or management of the premises by the Trustees of the Sisters of Mercy ceases, the use of the premise as a homeless shelter shall also cease;

2. The use of the premises as a homeless hostel shall be carried on only by the Trustees of the Sisters of Mercy and when ownership and/or management of the premises by the Trustees of the Sisters of Mercy ceases the use hereby permitted shall cease.

**Reason** In order that the management of the premises by a different organisation may be subject to review by the Local Planning Authority to ensure adequate mechanisms and controls are in place to avoid adverse impacts on the local area.

- 3.4. The Planning Statement advises that the House of Mercy is undergoing restructuring and disposing of assets. As such the proposed use would not be tied to the Trustees of the Sisters of Mercy. It is also noted that without the ownership of the Trustees of the Sisters of Mercy the current use would cease and further planning consent would be required for a new owner to use the building as a hostel for homeless individuals.

#### **4. Planning Policy, Development Plan and other Material Considerations**

##### **4.1. Development Plan**

###### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and Hierarchy of Centres
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Types and Sizes
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

###### Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- H6 (iii) – Provision to Meet Special Housing Needs
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards

- 4.2. Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

- 4.3. The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

##### **4.4. National Planning Policy Framework (2023)**

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a Strong, Competitive Economy
- Section 8 – Promoting Healthy and Safe Communities

- Section 12 – Achieving Well-designed Places

4.5. Supplementary Planning Guidance  
SPG 4 - KCC Parking Standards (2006);

5. **Consultations and Publicity Responses**

**Consultations**

5.1. Ward Councillors

Concerns regarding parking provision raised.

5.2. GBC Licensing

No comments received.

5.3. GBC Housing

There is no requirement for parking in relation to HMO licencing.

5.4. GBC Highways

24/01/24 (First Comment)

Applications such as these are always difficult to assess, but all applications need to be treated equally, no matter the outcome.

As a hostel for the homeless the existing use is liable to have minimal need for parking for residents, whilst a home in multiple occupation is liable to generate a car parking demand.

From the limited images available on Google Street View, car parking can at times appear to be busy but not at saturation. But unfortunately, these images are snap shots without reference to date and time. Looking at the FindMyStreet data base, only the road and footways are adopted highway, the parking areas being in private ownership.



There are various ways an assessment can be made for parking and this is dependent on the level of independence each occupant has. If the rooms are of sufficient size to offer basic cooking facilities, then each room could be considered to be the equivalent of a flat. Alternatively, the property could be considered to be the equivalent of a hotel. In either case the parking requirement would be the same at one parking space per bedroom. A twelve bedroom house would be unusual to say the least and if it were compared with normal housing it could be considered to be equivalent to three, four bedroom properties, which gives a parking requirement of 6 spaces. The two assessments give a parking requirement of 6 to 12 car parking spaces, to which should be added 12 cycle parking spaces to comply with the SPG4 requirements of one cycle parking space per bedroom in a residential house.

It is noted the previous permission for the property to be operated as a hostel was restricted as a personal permission for the Trustees of the Sisters of Mercy. So much depends on the default situation, does the property revert to a public house? As a public house car parking provision should be, considering the ground floor only in the region of 13 parking spaces for customers plus one additional space for every two members of staff. So the parking requirements for a public house exceed that for the proposed HMO.

Under these circumstances, if the default is a return to a public house, then I have no objections, but twelve cycle parking spaces should be provided.

12/03/24 (Second Comment)

On the basis of the parking survey submitted, which is in an unusual format, and the lack of any objections from residents who know the parking situation I have no objections. However, the applicant should provide the 12 cycle parking spaces to comply with the guidance of one space per bedroom.

5.5. KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to

balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

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 have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5.6. Neighbouring Properties

40no. surrounding properties were consulted and 0 comments were received from members of the public. A site notice was also placed on site on 8th February and then again on 14th March following provision of additional information. The final date to submit comments ended on 12.04.24. No comments were received.

**6. Planning Analysis and Head of Planning Comments**

Principle of Development

- 6.1. This application is located inside the Urban Boundary. Policy CS02 (Scale and Distribution of Development), identifies first tier settlements, including Gravesend as the most sustainable parts of the borough. Policy CS05 also states that in these areas the council will 'support the provision of new residential development where a satisfactory living environment can be achieved.'
- 6.2. It is therefore evident that the location proposed for residential development is sustainable in principle. Particularly given its current use and the surrounding residential development previously undertaken. Locationally, the development would be acceptable in principle. However, all other relevant matters would also need to be considered. The principle considerations in the assessment of this application are:
- Housing Need
  - Suitability for Conversion
  - Design and Character
  - Residential Amenity
  - Parking and Highways
  - Thames Estuary and Ramsar Site

## Housing Need

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

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

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

- 6.5. Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.6. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest;
- sites designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast;
- irreplaceable habitats;
- designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and
- areas at risk of flooding or coastal change

- 6.7. 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 NPPF 2023 (paragraph 129(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.

- 6.8. In this instance, the proposed development would not provide a net increase/decrease in bedroom numbers or residential units. A HMO would only contribute towards the local housing need if the HMO is created by change of use from a non-residential building. As such the application does not affect the five-year housing supply.

#### Suitability for Conversion

- 6.9. Adopted Policy CS14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF, it also stipulates that new housing development is expected to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.
- 6.10. Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller households and provide low cost accommodation, while taking into consideration the character and amenity of existing housing areas where single family occupancy is the norm.
- 6.11. Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversion will not normally be permitted in an area comprised for the most part of single-family dwellings. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy. A larger property under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.
- 6.12. The building is currently in use as a C1 hostel and was previously in use as a public house. Moreover, the application site is located in an urban location, within a 22-minute walk of Gravesend train station and within a 4 minute walk of a bus stop. It is also with walking distance of the Perry Street local centre. It is a large building with more than two storeys and over 6 habitable rooms.
- 6.13. Therefore, it is considered that the building is appropriate for change of use into smaller HMO rooms and is in accordance with local and national planning policy. In particular, it would accord with Policy CS14 of the Local Plan Core Strategy (2014), saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) and Section 2 and 12 of the NPPF (2023).

#### Design, Character and Appearance

- 6.14. This application will not change the external appearance of the property. As such the development would have no impact on the character or appearance of the Area. On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2023) in terms of design, character and appearance.

### Amenity of Future Occupiers

- 6.15. Having established that the site is located in an appropriate area for conversion, the key to ensuring a satisfactory living environment can be achieved for future occupants. Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.

### Internal living space

- 6.16. In relation to the internal living space, Gravesham's RLG (2020) and the Nationally Described Space Standards (2016) which set out minimum internal areas for new dwellings based on the level of occupancy, bedrooms size and number of storeys. However, these relate more to flat conversions rather than HMOs.
- 6.17. The Council's own adopted 'Guidance for HMO Amenity Standards' (2023) includes more appropriate minimum room size requirements for this application type. For a one person until there should be a minimum bedroom floor area of 6.51m<sup>2</sup>. The table below highlights the floor area of each unit within the proposed development and the facilities serving each room:

|    | Bedroom (m <sup>2</sup> ) | Facilities |
|----|---------------------------|------------|
| 1  | 12m <sup>2</sup>          | Ensuite    |
| 2  | 10m <sup>2</sup>          | Ensuite    |
| 3  | 7m <sup>2</sup>           | N/A        |
| 4  | 7m <sup>2</sup>           | N/A        |
| 5  | 10.5m <sup>2</sup>        | Ensuite    |
| 6  | 11.7m <sup>2</sup>        | Ensuite    |
| 7  | 10.9m <sup>2</sup>        | N/A        |
| 8  | 8.6m <sup>2</sup>         | Ensuite    |
| 9  | 10m <sup>2</sup>          | N/A        |
| 10 | 13m <sup>2</sup>          | Ensuite    |
| 11 | 14m <sup>2</sup>          | Ensuite    |
| 12 | 23m <sup>2</sup>          | Ensuite    |

- 6.18. As demonstrated in the Table 1, all rooms within the proposed HMO would comply with the minimum bedrooms floor area in Gravesham's 'Guidance for HMO Amenity Standards' (2023). It should also be noted that the majority of rooms are served by an ensuite, with the exception of rooms 3, 4, 7 (first Floor) and 9 (second floor). There are two communal WC and shower/bathrooms on the first floor and a communal wc and communal shower room on the second floor.

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

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

*Table 2 - HMO Communal Kitchen and Dining Requirements*

- 6.20. The kitchen has an area of 29m<sup>2</sup> which exceeds the minimum requirement. The dining area has an area of 28m<sup>2</sup> which meets the minimum requirements for a HMO capable of accommodating 14 people.
- 6.21. As such, the development would provide acceptable communal living facilities for future occupiers and is in accordance with local and national planning policy.
- 6.22. Gravesham Private Housing have provided comment advising that there would be no parking requirements. They have raised no other comments.

#### Neighbouring' Amenity

- 6.23. As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.
- 6.24. There is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure. The application includes a draft management plan for the HMO, however this is limited and a condition will be attached to the decision notice to ensure that a more comprehensive management plan is submitted to safeguard neighbouring amenity. The comprehensive management plan should include use of the garden, noise restrictions, etc. It is not considered that the use of the property as a HMO will be significantly different from its operation as a hostel.
- 6.25. Moreover, a condition is proposed relating to bins/waste to ensure that a satisfactory arrangement is in place prior to occupation to protect amenity.
- 6.26. Subject to conditions the development is considered to safeguard neighbouring amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).
- 6.27. Overall, it is considered that the proposed change of use of the building into a HMO will provide satisfactory standards of living accommodation, in line with local and national space standards. In addition, subject to conditions set out above, there will be no adverse impact on the amenity of neighbouring occupiers. As such, the proposal safeguards the residential amenity in accordance with Policy CS19 (LPCS), Section 12 of the NPPF and specifically the guidance on HMO amenity standards (2023).

## Parking and Highways

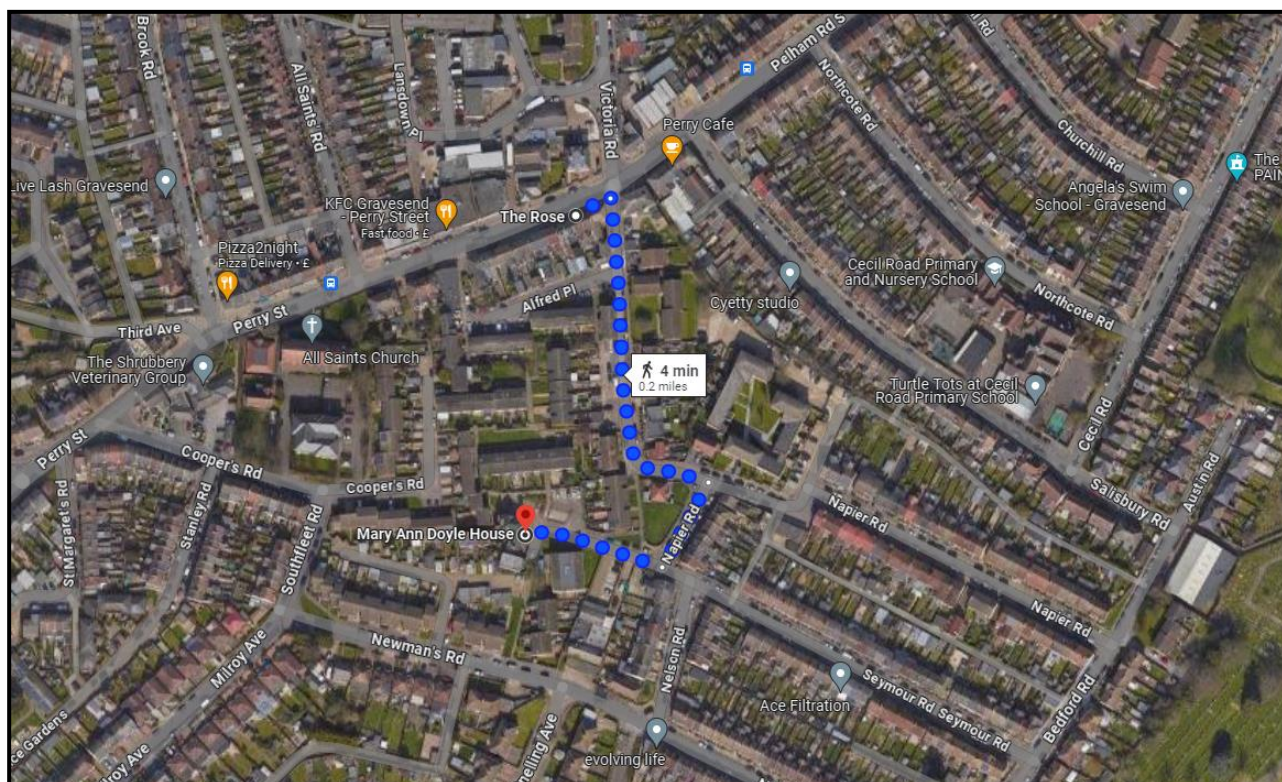
6.28. The proposed scheme does not provide any on site parking provision, and no parking is provided for the current use as a hostel. There is no scope for parking provision to be provide within the red line plan. As such the HMO will be reliant on the unrestricted on-street parking provision, on-site cycle parking provision, the accessibility to public transport and taxi and private hire vehicles.

6.29. Perry Street is a Local Centre as classified in the LCPS (Policy CS08). Paragraph 5.2.1 of the LCPS in the pre-amble to Policy CS08 states:

*'A central component of sustainable development is the definition and reinforcement of a network and hierarchy of centres where people can access shops and a range of there uses often found in town centres by all types of transport. This means that all residents can have good access to shops and services, and make choices about how they travel, with opportunities to walk, cycle or use public transport instead of the private car.'*

6.30. Given the substantial nature of this local centre, with a variety of shops and services, and it being less than a 5min walk to the application site, it results in the site being considered as sustainable in terms of the services provided within the location centre, and also providing travel options beyond the private car as per Policy CS08.

6.31. There is a bus stop within a 4-minute walk from the site as shown in the below map:



6.32. Therefore, should the occupiers of the proposed HMO, wish to visit the town centre, public transport options are available to accommodate this. The train station is just over a 20min walk from the site.

- 6.33. Given the availability of local services, retail options and sustainable transport options, the site is considered to be in a sustainable location, which on balance, would not require parking provision.
- 6.34. To further encourage sustainable transport measures, it is important that the HMO has cycle storage provision. Options for cycle storage in the basement levels were explored but were not favoured by the planning agent who advised that both sets of internal stairs are unlikely to be suitable for a cycle tracking/wheel gutter system due to building control issues.
- 6.35. Instead details of cycle storage have been provided for a cycle store to the rear of the building. The existing smoking shed structure within the rear garden would be removed to accommodate this. This shows also that cycling options which are considered to be a sustainable, active travel option would be available to occupiers of the HMO.
- 6.36. It is also noted that the GBC Highways Officer has advised that the previous use as a public house, would require a higher level of parking provision than the proposed use as a HMO, so the resultant impact of the HMO would in fact be lesser than the alternative.
- 6.37. Adequate vehicle and cycle parking provision is therefore available in accordance with paragraphs 110 to 113 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision being conditioned.

#### Thames Estuary and Ramsar Site

- 6.38. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every net increase in bedrooms for Houses in Multiple Occupation provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.
- 6.39. Where there are no other contributions required for a development, applicants generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.
- 6.40. The hostel as approved contains 12 bedrooms. The proposed HMO would contain 12 bedrooms and so no fee would therefore be required to mitigate harm, as there is no increase in bedrooms.

- 6.41. Therefore, the development would comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

## 7. Conclusion

- 7.1. The proposed scheme would be acceptable in principle, located in a sustainable urban location in accordance with Policy CS02 of the Local Plan Core Strategy (2014) and Section 11 of the NPPF (2023).
- 7.2. The proposed scheme would have a neutral impact on housing provision within the borough, as there would be no increase/decrease in bedrooms.
- 7.3. The proposed design, layout and appearance of the site would not be altered. The scheme would therefore comply with Policy CS19 of the Local Plan Core Strategy (2014).
- 7.4. The proposal would safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Local Plan Core Strategy 2014 and Section 12 of the NPPF (2023).
- 7.5. The proposed scheme demonstrates that the site is in a sustainable urban location, with good access to local public transport option and nearby local services and retail options. The development would therefore comply with Policy CS11 of the Local Plan Core Strategy (2014), and Section 12 of the NPPF (2023).
- 7.6. The proposed development would not result in any increased adverse impact on migrating birds using the Thames Estuary and Ramsar sites as there would be no increase in bedrooms. The development would therefore comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).
- 7.7. The proposed scheme complies with all relevant national and local planning policies. The recommendation is therefore to approve the scheme.

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## **Recommendation**

Planning Permission, subject to conditions as set out within this report.

### *Time Limit*

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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.

### *Approved Plans*

2. The development hereby permitted shall be carried out only in accordance with the following schedule of approved plans:

Application Form

5291/PL/100 – Location Plan

5291/PL/121 R – Proposed Basement Floor Plan

5291/PL/122 R – Proposed Ground Floor Plan

5291/PL/123 – Proposed First Floor Plan

5291/PL/124 R – Proposed Second Floor Plan

5291/PL/125 – Proposed Loft Plan

5291/PL/126 – Proposed Roof Plan

5291/PL/127 R – Proposed Front Elevation

5291/PL/128 R – Proposed Right Elevation

5291/PL/129 R – Proposed Rear Elevation

5291/PL/130 R – Proposed Left Elevation

5291/PL/131 R – Proposed Section A

5291/PL/132 R – Proposed Section B

5291/PL/133 R – Proposed Section C

5291/PL/134 R – Proposed Section D

Parking Survey (Dated 24<sup>th</sup> May 2024)

Planning Statement (Dated 7<sup>th</sup> December 2023)

Management Plan

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

### **Prior to Operation**

#### *Management Plan*

3. Prior to the use hereby approved first commencing, a management plan shall be submitted to and approved, in writing, by the Local Planning Authority. The management plan shall include the following components and, for the avoidance of doubt, shall confirm the provisions for regular reviews:
  - Clear specification of the circumstances when residents will be asked to leave the premises.
  - Mechanism for review and change of the document, on an annual basis until otherwise agreed with the Local Planning Authority.
  - Regular Maintenance of premises and courtyard
  - Laundry Services
  - Internet Services
  - Waste and Refuse Management
  - Security Measures
  - No smoking or vaping inside the building or any communal areas
  - Damages and breakages
  - Tenant obligations
  - No pets with the exception of registered assistance dogs

The use of the premises shall thereafter be carried out in strict accordance with the approved plan at

all times.

Reason: In order to ensure the effective and stringent management of the premises reduces the likelihood for adverse environmental effects and crime and anti-social behaviour in the area, in accordance with Policy CS19 (LPCS), Section 12 of the NPPF and the guidance on HMO amenity standards (2023).

#### *Cycle Storage*

4. Prior to the use hereby approved first commencing, a scheme detailing the provision for 12 cycle parking spaces shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be constructed in accordance with these approved details and completed, in its entirety, prior to first occupation of the building as approved. Thereafter the cycle parking shall be retained.

Reason: In order to ensure an acceptable levels of cycle parking provision, in accordance with adopted policies T1 and P3 of the Local Plan First Review 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

#### *Waste and Refuse*

5. Prior to the use hereby approved first commencing, full details of the refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details as approved pursuant to this condition shall be implemented prior to the first use of the building as approved and shall thereafter be maintained in accordance with the details approved pursuant to this condition.

Reason: To safeguard the amenities of occupiers of adjoining and nearby residential properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

### **INFORMATIVES:-**

#### **1 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) 2023, 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.

#### **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 AND PARTY WALL ACT**

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc.

Act 1996.

#### 4 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.

#### 5 KCC HIGHWAYS

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

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 have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved

plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181