
SUMMARY REPORT

Application Ref:	20240200
Site Address:	The Peacock Public House 78 Peacock Street Gravesend Kent
Application Description:	Conversion of the first and second floor 4 bedroom flat into a 5 bedroom HMO.
Applicant:	Mr Muhammad Hasan, Al-Haqq Academy
Agent:	Samson Space
Ward:	Town
Parish:	Non-Parish Area
Decision due date:	29 April 2024
Publicity expiry date:	28 th March 2024
Decision Level:	Committee Decision
Reason for referral:	Councillor Call In
Recommendation:	Planning Permission subject to conditions

Summary of Reasons for Recommendations

The proposal is to convert the existing four-bedroom flat, which is spread across the first and second floors, to a five-bedroom HMO. Some internal alterations would be made, but no external changes are proposed to the building.

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

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.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The existing first and second floors above the public house contain a four-bedroom flat. The first floor is comprised of the lounge, kitchen/diner, and WC, with the second floor comprising four bedrooms and a bathroom.

- 1.2. The three-storey building is located at the junction of St Andrews Road and Peacock Street. The site is within the urban area of Borough, within walking distance of the town centre and public transport (8 mins from Gravesend railway station) and is surrounded by predominately two-storey residential properties.

2. Relevant Planning History

Reference	Description	Decision	Decision Date
20070921	Conversion of first and second floors into two, two bedroom self contained flats.	Permitted	12.12.2007
20240201	REVISED DESCRIPTION Change of use of the basement and ground floor of the public house to use class F1(f) Public Worship or religious instruction (or in connection with such use).	Pending decision	

3. Proposal

- 3.1. The proposal is to convert the existing four-bedroom flat on the first and second floors into a five-bedroom House of Multiple Occupation (HMO).
- 3.2. It would provide a living room, kitchen/diner, bedroom, and bathroom on the first floor, as well as four bedrooms and a bathroom on the second floor.
- 3.3. No external changes are proposed.

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
- 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.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 – KCC Parking Standards (2006)
- SPD – Householder Extensions/Alterations Design Guide (2021)
- Technical Housing Standards – Nationally Described Space Standards (2015)
- Design for Gravesham - Design Code SPD (2024)

5. Consultations and Publicity Responses

Consultations

5.1. GBC Highways Officer

I have no objections to the proposal, the car parking requirements for a 4 and 5 bedroom dwelling are the same. With the extra bedroom, technically, a cycle parking space should be provided to conform to the requirements of KCC SPG4, but a refusal based on the lack of provision of a cycle parking space is unlikely to be sustainable at appeal.

5.2. GBC Waste and Refuse

Original comments made on 18/06/24:

I have reviewed this planning application, and I require more details on the refuse and recycling storage for this building.

This application is linked to 20240201, refuse and recycling storage must be separate for the two applications.

There must be enough storage provision for the separation of residual, recycling and food waste as per the impending “Simpler Recycling” regulations.

Updated comments made on 26/06/24:

I have reviewed this planning application, and I am happy with the refuse and recycling storage for this building.

It is the developer’s responsibility to pay for the bins for the building.

5.3. GBC Housing

The team has been in regular contact with the applicant regarding the conversion, having also visited during conversion works, we are satisfied the property will achieve a 5 occupant, 5 household HMO comfortably.

5.4. GBC Environmental Protection Team

Original comment made on 20/03/24:

Placing HMO's/separate residential above a pub is not ideal as obviously pubs can be noisy places – amplified music, loud TV, raised voices etc. Opening hours can also be quite extended with use into the early hours of the morning. Although it appears that the pub is currently closed/not in operation, this use could re-commence at any time.

No information has been provided regarding the sound insulation quality of the ceiling/floor partition between the pub and the proposed HMOs above or either in between the 2 floors of HMOs. This will need to be investigated to ensure that any internal transmission of noise from the pub does not impact on the HMOs above, in particular the HMO bedroom on the 1st floor which is immediately above the bar/saloon bar area. The investigation also needs to consider an assessment of the floor/ceiling partition between the 1st and 2nd floors as HMO bedrooms on the 2nd floor are over the communal kitchen and living areas on the 1st floor, and also the wall partition between the HMO on the 1st floor and these rooms. Kitchens and living rooms can be noisy areas, particularly if being used later at night.

To address this, a sound insulation test will be required to ensure that future residents are not impacted by internal noise between the pub and HMO units or within the HMO's themselves. The assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor pub use and also the partitions between the floors of the HMO units and the walls between the various rooms as well. This should resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

It's noted that a separate planning application has been submitted for the change of use of the basement and ground floor to an academy with community services (Ref 20240201). Although this may be a better use of the ground floor in terms of noise compared to the pub use, there is still the potential for noise transmission, so the comments above remain.

There does not appear to have been any information submitted with regards to waste and recycling storage submitted. This needs to be addressed as suitable and sufficient storage facilities are needed to ensure that all waste from the HMO's can be securely stored in pest proof receptacles prior to emptying.

To address the above and other matters, the following conditions and informatives are recommended.

Internal noise/Sound Insulation Test:

Prior to the first occupation of the HMO units, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an

enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.

Code of Practice on Construction and Demolition Condition:

Please apply to minimise the impact on nearby residential premises from dust and noise during the building works.

Smoke Control Informative:

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions, and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Updated comments made on 04/07/24:

The additional information submitted for both this application and also 20240201 (for CoU to F1(f) place of worship/religious instruction) is noted.

A proposed specification for the ceiling/floor partitions has been given, but without undertaking a sound insulation (SI) test, it is difficult to assess whether or not this will be compliant with criteria advised in the response dated 28th March 2024.

I see in correspondence that planning are minded to place the requirement for the SI test as a condition on permission should it be granted. This is acceptable. However, the applicant should be reminded that the SI test is not just required for the partition between the commercial use on the ground floor and the rooms above on the 1st floor. The SI test is also required for the floor/ceiling partition between the 1st and 2nd floors as HMO bedrooms on the 2nd floor are over the communal kitchen and living areas on the 1st floor, and also the wall partition between the HMO on the 1st floor and these rooms. Kitchens and living rooms can be noisy areas, particularly if being used later at night.

The following condition (proposed previously) is reiterated here for ease of reference:

Internal noise/Sound Insulation Test:

Prior to the first occupation of the HMO units, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall

resist the transmission of airborne sound and impact sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified as being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.

5.5. KCC Highways Officer

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

Letters were sent to 11 neighbouring properties, notifying them of the application. 2 letters of objection have been received and 26 letters of support. A summary of responses can be found below:

Objections:

- Parking availability in the area is limited, which would be exacerbated by the proposed HMO.
- The Peacock Pub is a beautiful historical landmark representing the historical culture of Gravesend. It would lose the local design and rich history to redevelop the site.
- The design will not be in keeping with the local area.
- Noise and disturbance to local residents during construction.
- Problems with existing anti-social behaviour may be increased with the addition of this HMO.
- This will result in over-occupied, cramped conditions.

Support:

- This scheme will help the charity/proposed mosque be more sustainable and self-sufficient.
- A great solution to the housing problem.
- Will provide a more affordable housing option.
- Benefit for locals who work in the town centre
- Reduced traffic in other areas
- Adequate public parking is available in the local area

The following comments were made in support but appear to relate to the separate application (Planning Ref 20240201) and not the proposed scheme for conversion to a HMO but have been included for transparency:

- Positive impact on community cohesion and multi-faith with Sikh temple and church close by.
- Benefit for Muslims who are moving to the area.
- Provides children with access both to local school education and Islamic education.
- This centre would provide a positive contribution to the local economy and community.
- With the imam's experience and background, his contribution to the local community would be of great benefit.

Officer Note: Temporary disruption from construction work is not a material planning consideration which can be considered as part of the assessment of the planning application.

6. Planning Analysis and Head of Planning Comments

Housing Need

- 6.1. 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 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.”

- 6.2. 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.
- 6.3. 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.
- 6.4. 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; and
 - irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change
- 6.5. 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 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.

- 6.6. In this instance, the proposed development would provide a net increase of 1 bedroom at the property. However, this would not result in a contribution to the Borough's housing stock. This is because HMOs cannot be counted as net additional dwellings if they are created from the conversion of an existing dwelling.

Suitability for Conversion and Change of Use

- 6.7. The application site is in use as a four bedroom flat. The existing use falls within a C3 Use Class of the [Use Classes Order 1987](#) (as amended), this use covers dwellinghouses. i.e. Houses, Flats, Apartments, Bungalows etc.
- 6.8. For planning purposes, Houses in Multiple Occupation (HMOs) fall in to two categories;
- Small HMOs that accommodate between 3 and 6 people (C4 use class), or;
 - Large HMOs that accommodate 7 or more people (Sui Generis use class).
- 6.9. These categories are defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Within this Order, C4 HMOs have the same meaning as that given in the Housing Act 2004. Schedule 14 of this Act identifies buildings which are not considered to be HMOs. This includes buildings which are controlled or managed by;
- Registered social landlords and housing associations
 - Educational establishments
 - Religious communities
 - Public bodies such as local authorities, health authorities and the police.
- 6.10. Saved Policy H5 of the Local Plan 1994 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. In considering proposals for the conversion of existing properties to various forms of multiple occupancy, Policy H5 (i) sets out that development should be in an appropriate area for conversion to flats, maisonettes, bedsitters, and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised mainly of single-family dwellings.
- 6.12. Policy H5 (ii) requires that the application building shall be of such a size and arrangement as to be generally unsuitable for single-family occupation (i.e. in excess of two storeys in height and with more than 6 habitable rooms).
- 6.13. The application property contains four bedrooms. Its size is, therefore, in excess of the two and three-bedroom family homes sought to be particularly retained by Policy CS14 of the Core Strategy 2014. Given the number of bedrooms, height of the building, and overall number of rooms within the property, the size and internal arrangement of the application building would lend itself to an HMO use. In terms of the character of the area, it is acknowledged that there is another HMO in the local vicinity at Room 1-7, 32 Peacock

Street – HMO. The area is a mixture of single family dwellings and flats.

- 6.14. Given that the site is located within a residential area, and as the proposed use of the site would keep the first and second floor in residential occupation, albeit not for a single household, the proposal for a change of use is not considered to erode the overall residential character of the area.
- 6.15. It must also be recognised that the site is close to the town centre, and being in an accessible and sustainable location, it is considered to be in an appropriate area for an HMO use. On this basis, it is considered that a HMO use would comply with the requirements of saved Policy H5 of the Local Plan 1994 and Policy CS14 of the Core Strategy 2014.

Design, Character and Appearance

- 6.16. It is noted that the proposed scheme would not alter the external appearance of the building. Provision has been made for refuse storage and collection, and should a Planning Committee determine to approve the application, its delivery prior to occupation will be secured by condition, as well as the appearance of the storage area.
- 6.17. On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014, paragraph 135 of the NPPF (2023) and the Design for Gravesham-Design Code SPD (2024), in terms of design, character and appearance.

Amenity of Future Occupiers

- 6.18. The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land, with the requirements of Policy CS19 expanded upon in the Borough's recently adopted Supplementary Planning Guidance, Design for Gravesham. The impact on neighbours will be assessed in the next section of the report.
- 6.19. Gravesham's Guidance for HMO Amenity Standards (2023) applied the following minimum space standards:

Room Description	1 Person Unit	2 Person Unit
Combined bedroom, living and kitchen (<i>minimum</i>)	13m ²	20.5m ²
Combined bedroom and living space (<i>minimum</i>)	10m ²	14m ²
Bedroom (<i>minimum</i>)	6.51m ²	10.22m ²

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

2.2 Communal Living and Dining Rooms

The property arrangement is to provide communal living space in addition to any space that is required for shared kitchen and dining facilities.

As a guide, a communal living room, should be at least 13m² for 3 people, plus 1m² for every additional person.

- 6.20. The proposed plans indicate that all bedrooms would be single occupancy and exceed an area of 6.51m², as would be required under the Guidance to HMO Amenity Standards (2023). As the kitchen and dining area would be shared by 5 people, the kitchen/dining room should have a minimum space of 17m². The proposed kitchen and diner would exceed these space requirements with a space of 19m². The living space required for 5 people would be 15m². The living room proposed would comply with this with a space of 15m². A 5-bedroom HMO would also require a WC and bathroom (with shower or bath) and an additional WC with handbasin. The proposed development would comply with this requirement. All rooms would comply with the requirements of the Guidance for HMO Amenity Standards (2023) as set out above. Private Housing have confirmed that they considered the proposal would create a satisfactory HMO.

Neighbouring Amenity

- 6.21. As outlined above, it is important that any development safeguards the amenity of neighbouring properties. Following a period of consultation with neighbouring properties, 2 objections to the proposal were received.
- 6.22. Intensive occupation of former family dwellings such as those used as a HMO can have negative impacts on residential amenity within an area, through increases in on-street and off-street parking, loss of front gardens, reductions in levels of privacy, alterations to the exterior of buildings and increased generation of refuse.
- 6.23. The proposal does not result in any changes to the external fabric of the building, such as additional windows, and the proposed occupation of the proposed HMO by 5 people would not be demonstrably greater than that of a four-bedroom property occupied by a family as the premises is currently set up as. As such, the HMO would not result in a materially greater impact on surrounding residents than the existing flat.
- 6.24. Given that the development would remain as existing externally, there would be no

concerns regarding the impact on neighbours' residential amenities, such as bulk, overshadowing, and overlooking. The impacts in relation to parking and refuse are dealt with elsewhere in the report. Environment Protection have made comment in terms of neighbour amenity, and they considered that the HMO will not impact surrounding properties, but that it is the amenity of the future residents of the HMO which need safeguarding from the existing public house use at ground floor, or the intended use as a place of worship. This is explored later in the report.

- 6.25. The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Ecology and Biodiversity

- 6.26. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- 6.27. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
- 6.28. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition").
- 6.29. One exception is where development is subject to the de minimis exemption. This is when development does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat or 5 metres of linear habitats such as hedgerows.
- 6.30. In this case, the site is entirely hard landscaped as existing and there are no external changes proposed to existing landscaping. The development would therefore meet the criteria for 'de minimis' exception and the statutory requirement for Biodiversity Net Gain is not applicable.

Parking and Highways

- 6.31. Policy CS11 of the Core Strategy 2014 and saved Policy P3 of the Local Plan 1994 require new development to provide sufficient parking in accordance with the adopted parking standards, taking account of the availability of alternative means of transport and accessibility to services and facilities.
- 6.32. The site is in a Town Centre location, where appropriate sustainable and public transport methods are readily available, in the form of nearby bus stops and train station.
- 6.33. As the below map shows, The Peacock Public House has 3 bus stops and a train station in walking distance. Parrock Street Car Park is also within 100 metres of the site which provides approximately 607 car parking space and 30 disabled spaces in addition.



- 6.34. There are no direct vehicle parking standards for HMO's. Therefore, the proposal has been considered with regard to the adopted parking guidance for new dwellings. It is noted that the site is in a Town Centre location, where appropriate sustainable and public transport methods are readily available, in the form of nearby bus stops and train station. It is also noted that KCC Parking Standards do not required additional parking for a dwellinghouse which would increase from 4 bedrooms to 5 bedrooms. Considering that the increase to a 5 bedroom property is not materially different to a 4 bedroom property, the increase in vehicles parked on the street, would be minimal, if any.
- 6.35. Due to the sustainable location of the site and the fact it is not materially different to it's current use, the proposal is 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 and section 6.3 (Vehicular Parking) of the Design for Gravesham: Design Code.

Environmental Protection

- 6.36. The Environmental Protection Team have raised some concerns regarding noise impacts from the public house at ground level to the future residents of the proposed HMO. In particular, the additional bedroom proposed to the ground floor which would directly adjoin the public house below. However, although there are not currently bedrooms on this floor, there is an existing lounge and kitchen/dining area serving the existing flat. It would be important to assess the noise impacts on the additional bedroom which would be

introduced on the ground floor and to ensure appropriate noise mitigation is undertaken prior to the occupation of the property as a HMO. Details to address this would be reserved by planning condition through a sound insulation assessment

Thames Estuary and Ramsar Buffer

- 6.37. Paragraph 174 and 177 of the NPPF (2023) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).
- 6.38. Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.
- 6.39. 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 per net increase in bedrooms for Houses in Multiple Occupation 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.
- 6.40. 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.
- 6.41. The applicant has completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue.
- 6.42. 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).

Waste and Refuse

- 6.43. The proposals indicate that there would be an available bin store in the front courtyard beside the residential access, which would house 4 x 240L Bins.

- 6.44. The plan also shows how the bin stores would be easily transported and posited to the front of the site for bin collection purposes.
- 6.45. The GBC Waste and Refuse Officer has reviewed the plans and has found the details submitted for bin storage and collection acceptable. Therefore the proposal does not raise amenity concerns from a refuse perspective. The delivery of the refuse arrangements prior to occupation, including further details on design, will be secured by condition.

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. As there would be no net change in the number of residential units, there would be a neutral impact on the Borough's housing land supply.
- 7.3. The proposed HMO would be suitable in this location, where flatted conversion and HMO's are evident in the wider vicinity and where the property is suitable for conversion.
- 7.4. 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).
- 7.5. 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).
- 7.6. The scheme 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).
- 7.7. The proposed scheme demonstrates that the site is in a sustainable urban location, with good access to local public transport options, public car parking and nearby local services. The development would therefore comply with Policy CS11 of the Local Plan Core Strategy (2014), Section 12 of the NPPF (2023) and the Design for Gravesham-Design Code SPD (2024).
- 7.8. The proposed scheme complies with all relevant national and local planning policies. The recommendation is therefore to approve the scheme.

Recommendation

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

Suggested Conditions

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 in accordance with the following schedule of approved plans:

Application Form
Location Plan
PA-644-200 - Proposed First Floor Plan
PA-644-203 - Proposed First Floor Plan
PA-644-204 - Proposed Second Floor Plan
PA-644-205 - Proposed Block Plan
Design and Access Statement

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

Waste and Refuse

3. Prior to first occupation of the building as a house in multiple occupation and notwithstanding the details shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of the appearance of the refuse and recycling storage area to serve the development and the waste management arrangements associated with the proposed use. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste. The approved bin store and waste management arrangements shall be implemented in full prior to the first use of the building as a house in multiple occupation and shall thereafter be maintained while the building remains in use as a house in multiple occupation.

Reason: In order to ensure the development is served by a suitable refuse storage area, to preserve the residential and visual amenities of the locality in accordance with Policies CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

Sound Insulation

4. Prior to the first occupation of the HMO units, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

Occupants of HMO

5. Notwithstanding the details submitted on the application form and in the approved plans, the number of bedrooms and occupants at the property shall at no time be more than 5.

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

INFORMATIVES:-

1 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- (i) Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- (ii) A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- (iii) Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- (iv) Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 BUILDING REGULATIONS 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 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.

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