



Delegated Report

Planning Application

Planning Application No: 20230545

Location: Upper Floors 151 Milton Road Gravesend Kent

Description: Erection of part single storey rear extension at first level to form 1no. one-bedroom self-contained flat.

Applicant: Mr Avtar Singh, Toor

Site Visit Date: Desktop

Submitted Documents/Plans

- Application form;
- Drawing no. 01 – Existing Floor Plans;
- Drawing no. 02 Rev. A – Existing Floor Plans;
- Drawing no. 03 – Existing Elevations;
- Drawing no. 04 – Existing Elevations;
- Drawing no. 05 – Proposed Floor Plans;
- Drawing no. 06 – Proposed Floor Plans;
- Drawing no. 07 – Proposed Elevations;
- Drawing no. 08 – Proposed Elevations
- Design & Access Statement; and
- Heritage Impact Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221027	Erection of part two storey rear extension at first and second floor level to form 2no. one-bedroom self-contained flats.	Refused	02.12.2022

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development

- CS05 – Gravesend Town Centre Opportunity Area
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2021) 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.

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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well designed places
- Section 16 – Conserving and enhancing the historic environment

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the published statement), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

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

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- Sites of Special Scientific Interest;

- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 63); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 123(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.

Supplementary Planning Guidance

- Supplementary Planning Guidance
- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015
- Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- King Street Conservation Area Character Appraisal
- Management Plan – Gravesend's Town Centre Conservation Areas

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

Noise:

The property is in a busy town centre location adjacent to the A226 one-way system which is heavily trafficked. No consideration has been given by the applicant to either traffic noise or noise associated with the late-night economy (people coming and going from late night pubs, bars, restaurants, takeaways including the existing use on the ground floor of 151 etc). Although it's noted that there is an existing studio flat on the 1st floor and a flat on the 2nd floor, internally layouts have changed which results in habitable rooms (bedrooms) being located on the road frontage.

There is also likely to be noise from kitchen extracts, external condensers and other plant associated with these late-night venues, a number of which are in this part of Milton Road. There is an existing food business (restaurant and takeaway) on the ground floor, but no information is shown on the submitted plans of the location of any ducting, fans or other plant/equipment.

Noise from early morning or out of hours deliveries commercial premises in the area may also give rise to noise.

Being an older property, it is possible that the sound insulation quality of the internal floor/ceiling and also wall partitions may not be that robust. Providing suitable and sufficient sound insulation for both internal (room to room) noise transmission and also insulating against external noise may be difficult to achieve

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without significant structural alterations. These alterations are likely to be contrary to Conservation stipulations.

Noise Impact Assessment:

In order to address the concerns regarding both external and internal noise, a noise assessment needs to be undertaken by a suitably qualified person and submitted. Ideally, we would prefer this to be undertaken and submitted prior to determination in order to ensure that any noise mitigation measures as required are able to be achieved. The assessment must address the impact of the following on the residential amenity of any future residents of the proposed flats and be undertaken in accordance with the relevant standards and guidance including BS 8233:2014 and BS4142:2014:

- Traffic noise
- Noise from fixed building services/mechanical plant/equipment etc noise associated with the nearby commercial uses (including the use on the ground floor)
- People noise associated with the use of the late-night town centre uses at night (including the use on the ground floor)..
- Early morning delivery noise to commercial uses
- Internal noise/sound insulation
- Noise from any mechanical ventilation systems if required as a mitigation measure for air quality (see below)

The quality and the standard of the sound insulation properties of the building should be assessed to ensure that future residents are not impacted by internal noise eg noise from the commercial premises on the ground floor and noise from flat to flat. To address this, the noise assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use and internal partitions between flats. 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).

The assessment should look at any required mitigation measures to ensure that internal noise levels are appropriate. Overheating and ventilation must also be considered in the design of any mitigation.

Air Quality:

This area is within the A226 One Way System Air Quality Management Area (AQMA) declared for exceedances of the annual Air Quality Objective (AQO) for nitrogen dioxide (from traffic). As such, new sensitive receptors will be introduced into an area recognised as having poor air quality. In this respect, air quality is considered to be a material planning concern and measures need to be investigated and put into place to ensure that there is no detrimental impact on future occupiers of the flats. Again, ideally, we would prefer that a suitable scheme of air quality mitigation measures be submitted for approval prior to determination of the application to ensure that appropriate and robust measures are capable of being put into place.

It is advised that as habitable rooms of the flats front the A226, that an appropriate scheme is likely to include the requirement for rooms with windows facing the roadside to be upgraded and sealed so as to

prevent pollution from entering the residential unit and a MVHR system be installed as a means of alternative ventilation and cooling. This will also provide the occupants with choice i.e. to close windows to shut out noise from traffic or people making use of the night-time economy.

If it is considered that the Noise Impact Assessment and noise mitigation measures, and the air quality mitigation scheme cannot be required and submitted prior to determination, then we would be minded to recommend that the application be refused on the grounds of poor environmental/living conditions for future occupants due to the noise and air quality of the location. Also, being a conservation area, measures that we may consider acceptable for dealing with noise and air quality issues, may not be acceptable to the conservation officer.

GBC Highways Officer

I have no objections, technically a secure cycle parking space should be provided for the new flat to comply with KCC SPG4, but in this instance that would appear to be impossible. Given the close proximity of shops and public transport, it is doubtful an objection on the lack of a cycle parking space would be successful at appeal.

No response from:

- GBC Conservation Officer

Neighbouring properties

15 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 30.06.2023 – no responses received.

Officer's Analysis

This application is a re-submission of previous application ref. 20221027 which was for the erection of a part two storey rear extension at first and second floor levels to form 2no. one-bedroom self-contained flats which was refused on 2 December 2022 on the following grounds:

1. The proposed first and second floor rear extension by virtue of its scale and design would be an overly dominant and unsympathetic addition which would be harmful to the character and appearance of the host building and the surrounding area and would therefore not preserve the character or appearance of the King Street Conservation Area in which the site is located. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014), saved Policy TC3 of the Gravesham Local Plan First Review (1994) and sections 12 and 16 of the National Planning Policy Framework (2021).

2. The proposed development by virtue of the extremely poor sunlight and daylight, outlook and privacy that occupiers of both the existing and proposed flats would experience, the existing flats which are to be altered being undersized, as well as the lack of information to demonstrate that future occupiers would be protected from poor air quality and noise and odour sources means it result in extremely poor living conditions and standard of amenity and privacy for future occupiers and in this regard the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

3. The proposed extension by virtue of its size, design and proximity to neighbouring dwellings would cause overlooking to several neighbouring properties which would be harmful to their privacy and amenity and would generally be an unneighbourly and overbearing form of development to several neighbouring buildings. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy

(September 2014).

4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) and paragraphs 180 and 181 of the National Planning Policy Framework (2021).

It therefore needs to be seen whether this re-submitted application has addressed the 4 previous grounds of refusal and also that all other principle matters are acceptable.

- Principle of Development
- Design, Character and Appearance and Heritage
- Amenity of Occupiers
- Neighbouring amenity
- Parking/Highways
- Ecology and biodiversity

Principle of Development

The application site falls within the urban area of Gravesend in the Town Centre Opportunity Area and the proposal relates to the extension of the existing building to form one additional flat. Policy CS02 (LPSC) prioritises development in the urban area as a sustainable location for development. As such the proposal is considered acceptable in terms of the principle of development. The proposal will now need to be looked at to assess whether it is acceptable in regards to all other matters as set out below.

Design, Character and Appearance and Heritage

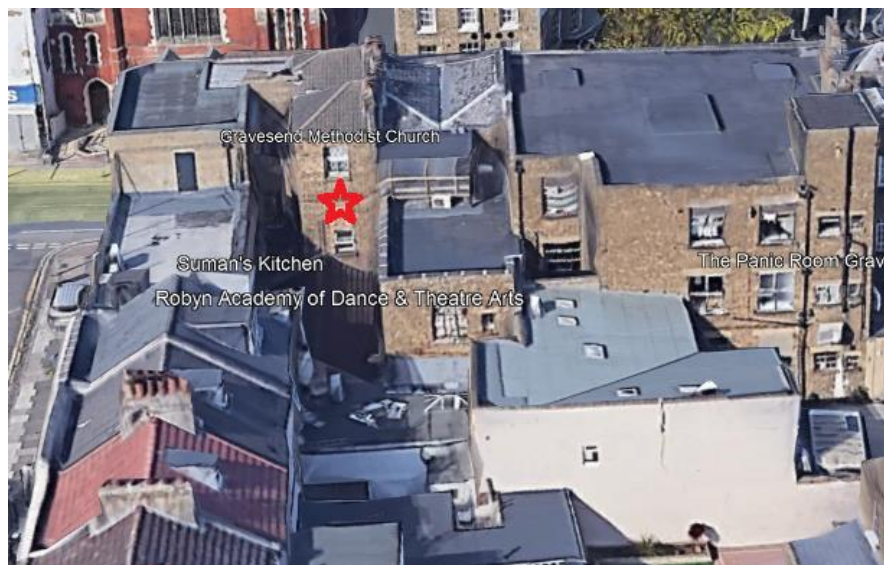
This matter formed ground of refusal no. 1 of previously refused application ref. 20221027.

The application site consists of a three storey building situated on the southern side of Milton Road just to the west of the junction with Edwin Street. It is a two bay building with yellow brick upper floor levels with sliding sash windows and a circa. 1920s shopfront at ground floor level. The building has a parapet at the front concealing the roof behind. The first main element of the building is three storeys which has a part pitched roof and part flat roof, there is then a further part three storey element behind this which also has a part pitched, part flat roof. Beyond this is a single storey rear extension which has a pitched roof and on the back of that is a single storey flat roofed extension with sky lantern. The whole of the site is covered with the building and its extensions.

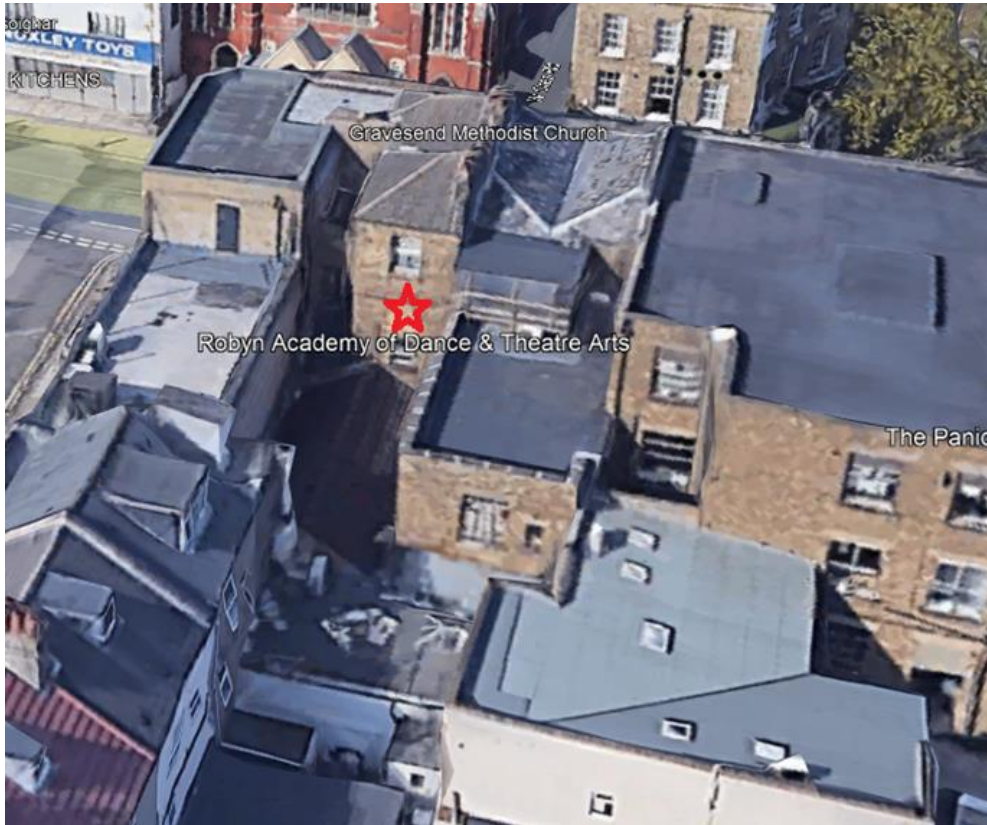
The proposal is for an extension at first floor level above the existing single storey rear pitched roof extension which would make it a two storey element in combination with the existing rear extension; this is to create a flat at first floor level along with some alterations to the layout of the existing first and second floor level flats. The extension has been reduced in size from that previously proposed in that in the previous application the extension was proposed at both first and second floor levels effectively creating a 3 storey rear extension in combination with being built on top of the existing single storey extension. The proposed extension would have a flat roof with a parapet wall on either side, the same as in the previous application and would also be to the same depth – 10.8m.

The existing three storey elements of the building have a part pitched roof and a part flat roof although the main parts of the roof of the building are pitched. The neighbouring building to the west no.152 Milton Road on the corner with Edwin Street is a three storey flat roofed building with the main front section being three storeys which drops down to two storeys fronting Edwin Street. The other neighbouring building to the east

no. 150 Milton Road has a pitched roof but with a two storey flat roof addition behind. This context of the rear of the application site building and its neighbours can be seen below (the application building no. 151 Milton Road is marked by the red star):



The below image shows a closer view of the rear of the application building and the other neighbouring buildings at nos. 150 and 152:



The proposal, although reduced in size in respect of one storey having been removed so that the extension would now be at first floor level only instead of at both first and second floor levels in the previous application, would still be an unsympathetic extension as it would consist of a first floor extension which would still be a significant length at 10.8m in depth and with a flat roof. Although there are flat roof elements on the host building itself and the neighbouring buildings it is clear that the extension as proposed would be an overly dominant addition that would not be subservient to the host building and would not be in keeping with its scale or character and would therefore be harmful to it.

As the proposed extension has been reduced by one storey it would no longer be visible above the surrounding built form in views of the building from the west in Milton Road as seen below:



As such, the proposal would not have any impact on the streetscene or the King Street Conservation Area, the character and appearance of which would be preserved (this was an issue in the previous refused scheme and so this issue has been resolved).

However, in respect of the proposed extension by virtue of its scale and design would be an overly dominant addition that would not be subservient or in keeping with the scale or character of the host building and would therefore be harmful to it. As such the proposal in terms of design, character and appearance would be contrary to Policy CS19 (LPCS). This was the case with the previously refused application and this still remains the case with this resubmitted application. The issues in respect of design, character and appearance still remain and ground of refusal no. 1 of application ref. 20221027 has therefore not been resolved.

Amenity of Occupiers

This matter formed ground of refusal no. 2 of previously refused application ref. 20221027.

Unit & Amenity Space

The proposed flat in the first floor rear extension proposed would be a 1 bedroom flat. The Technical Housing Standard (2015) states that for a one bedroom, two person, one storey dwelling (as is proposed) the minimum gross internal area is 50 sq. m. Both flats would be 53.6 sq. m; as such the proposed first floor flat in the extension would exceed the minimum standard as was the case in the previous proposal.

The bedroom in the proposed first floor flat would be 12 sq. m which would exceed the minimum standard for a double bedroom as stated in the Technical Housing Standards which is 11.5 sq. m which was the case in the previous application.

There is an existing studio flat at first floor level of the building which is 37.2 sq. m and a one bedroom flat at second floor level which is 45.8 sq. m. The proposed internal alterations would alter these existing flats. The first floor studio would become a one bedroom flat which would be 48 sq. m and would therefore not

meet the minimum standard for a one bedroom, two person one storey dwelling (which is 50 sq. m) and the second floor flat would remain a one bedroom, 2, 1 storey flat but would be 41.3 sq. m and would therefore be even more under the minimum standard than is already the case. The matter of the altered existing flats being undersized was the case in the previous application and so this matter has not been resolved.

There is no amenity space proposed but as this is a town centre site it is considered this is not required.

Sunlight/Daylight, Outlook and Privacy

This was an issue in the previous application and remains the case again in this current proposal. Occupiers of all of the flats (both the new flat proposed in the first floor extension and the two existing flats which are to be altered under the proposals) would experience very poor living conditions harmful to their amenity.

Below are the issues in the previously refused application, together with whether the issue still remains or not in this re-submitted proposal:

- Overlooking between the bathroom window of the front flat and the kitchen/living room window of the rear flat at first floor level (distance of only 2.3m when should be minimum of 11m) - **THIS ISSUE STILL REMAINS IN THIS CURRENT PROPOSAL**
- The living area of the living/kitchen/dining to the front flat at first floor level would have very poor light levels and outlook as it would have no window serving it - **THIS ISSUE STILL REMAINS IN THIS CURRENT PROPOSAL**
- The kitchen/living room of the rear flat at first floor level would have extremely poor light levels and outlook due to it being served by windows looking out onto a void area which would be completely enclosed on all sides and surrounded by high walls of the building itself and the neighbouring building at no. 150. There would be very poor outlook from the bedroom window in the rear of the bedroom of the first floor flat at the rear as it would look out onto the void - **THESE ISSUES STILL REMAIN IN THIS CURRENT PROPOSAL**
- The living room of the front flat at second floor level would have no window and therefore no natural light or any outlook - **RESOLVED AS THE SECOND FLOOR FLAT IS NO LONGER PROPOSED**
- The kitchen/living room of the rear flat at second floor level would have poor light levels and outlook due to it being served by windows looking out onto the void area which would be enclosed by the walls of the building itself. There would be very poor outlook from the bedroom window in the rear of the bedroom of the second floor flat at the rear as it too would look out onto the void - **RESOLVED AS THE SECOND FLOOR FLAT IS NO LONGER PROPOSED**

Not all of the matters have been resolved and the issue of the proposal providing extremely poor sunlight/daylight, outlook and privacy for future occupiers has therefore not been resolved.

Noise & Odour

Due to the location of the site in an Air Quality Management Area (AQMA) it is considered that an Air Quality Mitigation Scheme needs to be submitted prior to determination of the application to ensure that the amenity of future occupiers of the flats would be protected. None was submitted in the previously refused application and none has been submitted in this re-submitted application. As such it cannot be confirmed that future occupiers would not be harmed by poor air quality and this matter has therefore not been resolved.

The site is situated on a busy main road into/out of town. There are also a number of commercial premises in the vicinity including a restaurant at ground floor and other late night takeaways and establishments including ventilation extraction equipment. It is considered that a noise impact assessment to determine noise impact from traffic, plant, licensed premises and late night establishments and deliveries would be required along with details of sound insulation and an odour impact assessment to demonstrate that occupiers of the flats would not be affected by odours from cooking smells from commercial premises. No such information was submitted in the previously refused scheme and no such information has been submitted in this re-submitted application. In the absence of such information it is therefore considered that it has not been demonstrated that future occupiers would not be harmed by noise and odours and this matter has therefore not been resolved.

In summary, due to the extremely poor sunlight/daylight, outlook and privacy that occupiers of both the existing (altered) flats and the proposed flat would experience, the fact the existing flats which are to be altered would be undersized, as well as the lack of any information to demonstrate that future occupiers of the flats would be protected from poor air quality and noise and odour sources, it is considered the proposed development would result in extremely poor living conditions and standard of amenity and privacy for future occupiers and in this regard the proposal would be contrary to Policy CS19 (LPCS). All of this was the case with the previously refused application and this still remains the case with this resubmitted application. The issues in respect of the amenity of occupiers still remain and as such ground of refusal no. 2 of application ref. 20221027 has therefore not been resolved.

Neighbouring Amenity

This matter formed ground of refusal no. 3 of previously refused application ref. 20221027.

Due to the built-up nature of the properties either side with no facing windows onto the application site the proposed first floor level extension would not cause any impact on the amenity of those buildings in relation to overshadowing or loss of outlook.

The rear elevation of the proposed first floor extension would have bedroom and bathroom windows at first floor levels. SPG2 (2020) states that there should be a minimum distance of 21m between the windows of habitable rooms and the private garden area of any dwelling. In this case the distance from the bedroom windows at first and second floor levels in the rear of the extension to the private gardens areas of nos. 92, 93 and 94 Peacock Street would all be under 21m and so those rear gardens would all be overlooked by the bedroom window harmful to their privacy. It is also considered that given the scale of the extension and the proximity to those dwellings that it would generally be an unneighbourly and overbearing form of development to them. In respect of neighbouring amenity therefore the proposal would be contrary to Policy CS19 (LPCS). All of this was the case with the previously refused application. The second floor extension is no longer proposed but all of the issues relating to neighbouring amenity remain in terms of the first floor extension and as such ground of refusal no. 3 of application ref. 20221027 has therefore not been resolved.

Parking and Highways

The proposed development would create one additional unit and there is no off-street parking provided but as a town centre location with access to all of the transport links in the town it is considered this is acceptable and in respect of parking and highways the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Ecology and Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites

that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £275.88 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between "the plan or project" itself and "measures intended to avoid or reduce the harmful effects of a plan or project on a European site". This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of one unit and the applicant has not paid the required tariff (£314.05). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal is contrary to Paragraphs 180 and 181 of the NPPF (2021) and Policy CS12 (LPCS).

This was the case with the previously refused application and remains the case with this resubmitted application. The issues in respect of ecology and biodiversity therefore still remain and as such ground of refusal no. 4 of application ref. 20221027 has therefore not been resolved.

Any Other Material Planning Considerations

None.

Conclusion/Balancing Exercise and Recommendation

The proposal would have the benefit of providing a net addition of one flat which would provide a minimal contribution to the Borough's housing supply and adds a small amount of weight in favour of the proposal. Although the proposed extension has been reduced by one storey the submission is essentially the same as previously refused application ref. 20221027 and has resolved none of the four grounds of refusal of that application, which all still stand with this proposal.

The proposal would cause harm in respect of the character and appearance of the building, would provide completely unacceptable and harmful living conditions for future occupiers, would be harmful to the amenity and privacy of several neighbouring properties and would not protect the Thames Estuary and Marshes SPA/Ramsar site. On balance, it is felt that the benefit of the one additional unit does not outweigh the harm that has been identified. As such it is recommended that planning permission is refused.

Recommendation: Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	17th July 2023	Dated:	18 July 2023