



Delegated Report

Planning Application

Application no: 20211111

Location: 18-22 Queen Street Gravesend Kent DA12 2EE

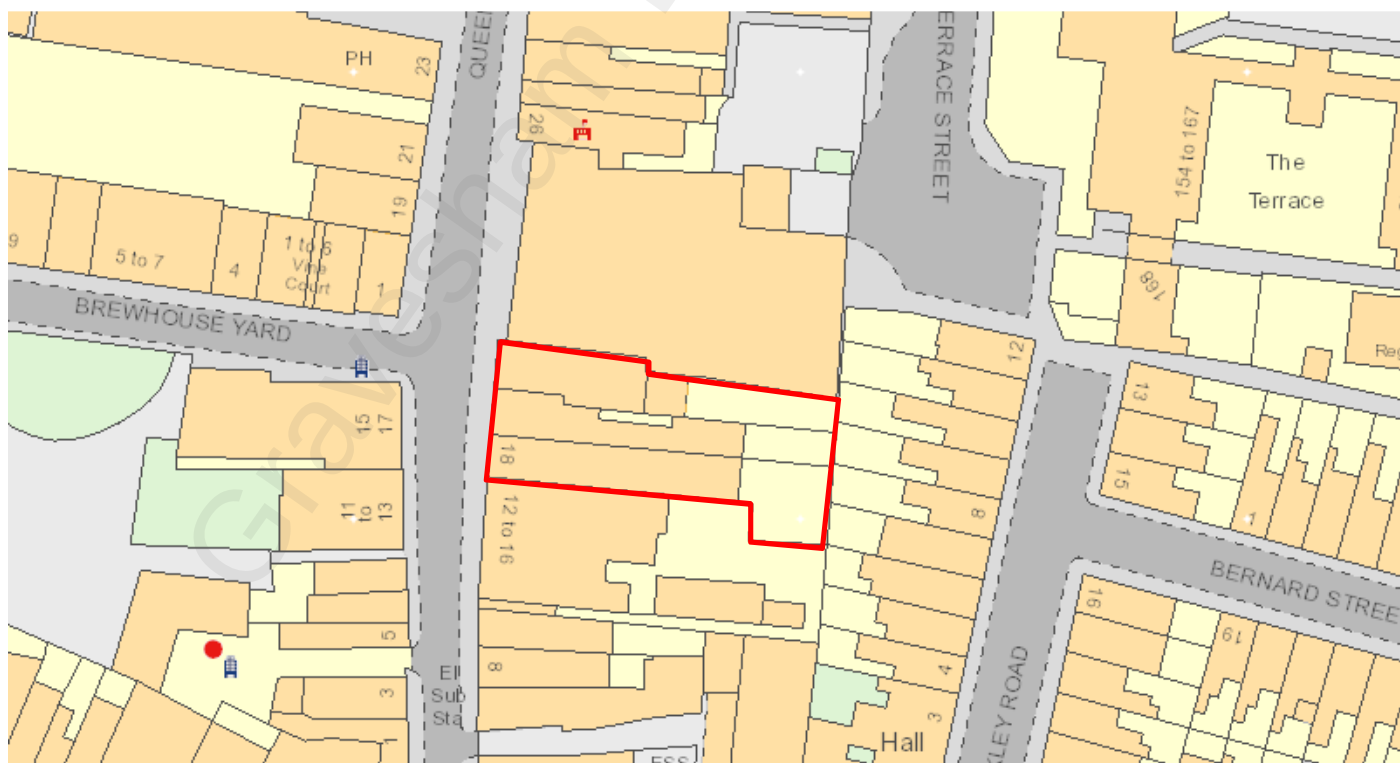
Description: Partial demolition of existing rear extension, erection of a one and an half storey detached building at the rear to accommodate two replacement flats plus an additional 4 x 1 bedroom flats. Infill of existing yard at 20 Queen Street to form enlarged retail unit, extension to outrigger at rear of 22 Queen Street to form enlarged first floor flat and an further storey/addition at second floor level to 22 Queen Street including frontage alterations to accommodate a 2 bedroom flat.

Applicant: Mr Basra

Site Visit Date: 13 and 18 October 2021

Site and Surroundings

The application site is situated within a terrace of buildings on the east side of Queen Street, Gravesend and almost immediately opposite its junction with Brewhouse Yard. It comprises a terrace of 2/3 storey of mixed commercial/residential buildings and of mixed age and design. Queen Street is only open to one-way traffic entering from the south.



The ground floor of the application site comprises of 3 commercial units at the front, with two 'studio' type flats to the rear. The 1st floor of No. 22 consists of a self-contained flat with the upper floors of both 18 and 20 combined into an HMO type property although there is no specific planning permission for what might be

a larger HMO (over six persons - *Sui Generis Use*)

The ground floor of no 18 Queen Street is currently a retail shop (Class E (a) Display or retail sale of goods) trading as Mad Sales (Electrical/Hardware/Household goods) since 2003 and before then a travel agent (Oakwell Travel)

The ground floor of no 20 is a café/restaurant use (Class E (b) Sale of food and drink for consumption (mostly) on the premises) trading as J's Diner and Grill and before then as Queen's Diner.

The ground floor of no 22 Queen Street is currently in use as an accountants office (Class E (c) (i) Financial services) trading as AP Accountax Ltd (Accountant/Bookkeeping/Tax Advisory) and before then Showtime Novelty Shop.

No 18 and 20 Queen Street are three storey buildings with flat roofs and parapets to the frontage; No 18 Queen Street is rendered externally while the frontage to 20 Queen Street is of yellow stock brickwork above the shopfront. No 22 Queen Street is a two storey building rendered above the shop front with a pitched tiled roof. All the properties have separate entrance doors within the shopfronts leading to/providing access to the rear/upper floors (see photo below)



The rear of the premises includes a 2/3 storey addition to 20 Queen Street and some single storey long flat

roofed additions of poor construction. The garden/yard area beyond is poorly maintained and overgrown (see photos above).

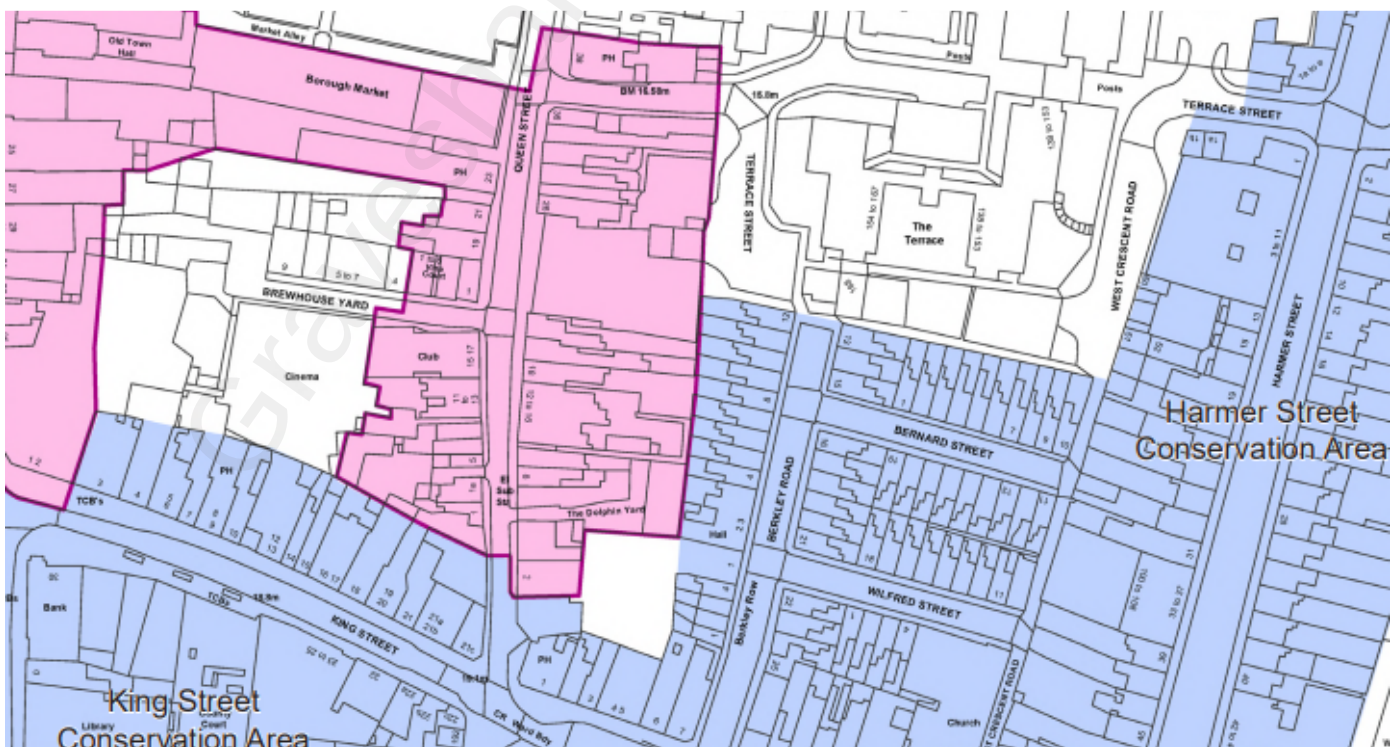
There is a very long narrow and poorly lit corridor running from the front of no 18 Queen Street to the rear of the site.

There are similar commercial premises either side of these 3 properties fronting Queen Street. At the rear the site adjoins the rear gardens of two storey terraced dwellings in Berkley Road.

The rear of the application site is shown in the aerial view (*Google Earth Pro*) below.



The application site is located within the High Street & Queen Street conservation area (designated 17 May 1990) and Berkley Road at the rear is within the Harmer Street Conservation Area. The boundary of the conservation area is shown below



The High Street and Queen Street conservation area appraisal says:

The narrowness of Queen Street is accentuated by the height of the three to four storey buildings in some places, although there is a more open appearance around the single storey shops at nos. 1 and 1a and Borough Market Hall. At ground floor level there is a crowding effect of irregular shopfronts sitting directly on a narrow pavement lined by cast iron bollards and parked cars.

The only listed building in the main part of Queen Street is 26 and 28 (Grade II)

To the north of the application site is a more modern building (24 Queen Street) which has a commercial frontage and includes a gymnasium at the first floor and rear of the site plus living accommodation above. The conservation area appraisal says:

In Queen Street nearly all of the buildings stand on the back edge of the pavement in mainly continuous rows. A notable exception is no. 24 which is a 20th century addition, a wide two-storey building of markedly horizontal proportions that is set back from the established building line.



Planning History

The following table sets out the Planning Applications relating to these properties in chronological order

Ref No	Description and Site	Decision	Date
19640522	Change of use of the ground floor from café to amusement arcade (20 Queen Street).	Refused	24.09.1964
19770431	Installation of new shop front alterations to shop premises and erection of first floor extension at rear to form sanitary accommodation to flat (22 Queen Street).	Permission	27.07.1977
19890347	Change of use of the ground floor from retail to a bookshop/café with office accommodation at first floor level (22 Queen Street).	Permission	16.06.1989

20020026	Continued display of internally illuminated double sided projecting sign at first floor level (<i>20 Queen Street</i>).	Refused	25.02.2002
20020027	Retention of the new shop front and the roller shutter blinds (<i>20 Queen Street</i>).	Refused	25.02.2002
20030946	Conversion of the first and second floors into two self-contained flats involving the erection of a rear infill extension at second floor level and installation of a new shopfront to incorporate separate entrance door to the proposed flats (<i>20 Queen Street</i>).	Permission	19.01.2004
20100018	Application for Lawful Development Certificate for the existing use of the premises as an A3 cafe (<i>20 Queen Street</i>).	Certificate Granted	02.03.2010
20101078	Retention of attached store building as residential accommodation ancillary to the cafe use (<i>20 Queen Street</i>).	Permission	05.01.2011
20110056	Application for removal of conditions 1 and 2 attached to planning permission reference number 20101078 to allow the rear flat to have a separate rear access and to be used as a separate unit from the cafe (<i>20 Queen Street</i>).	Refused	21.02.2011
20120788	Use of accommodation ancillary to cafe use on ground floor to be used as a self-contained studio flat involving internal alterations to layout (<i>20 Queen Street</i>).	Refused	12.11.2012
20130784	Conversion of accommodation ancillary to cafe use on ground floor to a self-contained studio flat involving internal alterations to layout (<i>20 Queen Street</i>).	Permission	22.10.2013
20131042	Retention of the first and second floors as a one bed self-contained flat and rooms comprising a house of multiple occupation for four persons (<i>20 Queen Street</i>).	Permission	26.03.2014
20210506	Partial demolition of existing rear extension, erection of a one and half storey rear extension to accommodate two replacement flats plus an additional 4 x 1 bedroom flats. Infill of existing outrigger to enlarge first floor flat and add a second floor to 22 Queen Street including frontage alterations to accommodate a 2 bedroom flat (<i>18-22 Queen Street</i>).	Refused	09.07.2021
20211111	<i>This Application</i>		

Proposal

This application is for the partial demolition of existing rear extension, erection of a one and an half storey detached building at the rear to accommodate two replacement flats plus an additional 4 x 1 bedroom flats. Infill of existing yard at 20 Queen Street to form enlarged retail unit, extension to outrigger at rear of 22 Queen Street to form enlarged first floor flat and an further storey/addition at second floor level to 22 Queen

Street including frontage alterations to accommodate a 2 bedroom flat.

Submitted Plans and Documents

Planning Application Form;

Planning Statement incorporating Heritage Statement dated September 2021 (Revision 1) by Barron Edwards;

Drawing No 182022QS-PL 001: Site Location Plan and Existing Block Plan;

Drawing No 182022QS-PL 002: Proposed Block Plan;

Drawing No 182022QS-PL 003: Existing Floor Plans;

Drawing No 182022QS 004: Existing Elevations;

Drawing No 182022QS-PL 005: Proposed Floor Plans;

Drawing No 182022QS 006: Proposed Elevations;

Drawing No 182022QS 007: Proposed Rear Block Elevations;

Details of the Development

The application is a similar submission, but amended, to that of an earlier planning application submitted this year (20210506) that was refused.

The submitted planning statements says:

The aim of the proposed development is to uplift the site and enhance living conditions for current and future occupants. This has been achieved through the removal of the existing ad hoc extensions to the rear of 18 and 20 Queen Street and erection of a new built rear block to provide space for 6 x studio flats. It is also proposed to infill the existing outrigger at 22 Queen Street on the first floor to increase the size of the existing flat to meet current national space standards, as well as provide a new second floor addition to provide an additional 1 x 2 bed flat.

In terms of the amendments the Planning Statement says:

Several alterations have been made in order to address the grounds for refusal on the previous application, primarily in relation to the design of the rear block. For example, the overall bulk and mass of the proposed rear block has been reduced by switching from the horseshoe shaped block at the rear to a more regular shape, reducing the footprint significantly and changing the roof design from a mansard to 3 gables. Furthermore, we have oriented the new block against the northern boundary adjoining 24 Queen Street which in turn addresses the previous concerns in regarding neighbouring amenity of the properties on Berkley Road, by moving the bulk of the new development away from the boundary wall adjoining the gardens of those properties any sense of enclosure or overbearing have been negated. The new proposal also addresses the previously identified issue of privacy distances between habitable windows across the block, and with all flats now being served by the same number of windows and being oriented facing south ensures acceptable levels of natural light and ventilation will be achieved by each unit.

The Schedule of Accommodation is as follows:

EXISTING

Flat Number	Status	Type	Gross Internal Area
1	To be demolished	1b2p	31 sqm
2	To be retained	HMO	66.6 sqm
3	To be demolished	1b1p	28 sqm
4	To be retained	4b5p	74 sqm
5	To be retained	1b2p	42 sqm
6	To be enlarged	1b2p	54 sqm

PROPOSED

Flat Number	Type	Gross Internal Area
1	1b1p	37 sqm
3	1b1p	37 sqm
8	1b1p	37 sqm
9	1b1p	37 sqm
10	1b1p	37 sqm
11	1b1p	37 sqm
7	2b3p	67 sqm

The existing and proposed front/rear elevations for the main buildings are shown below

EXISTING ELEVATIONS



FRONT ELEVATION (WEST)



REAR ELEVATION (EAST)

PROPOSED ELEVATIONS



FRONT ELEVATION (WEST)



REAR ELEVATION (EAST)

In respect of the proposed new rear block (indicated to be one and an half storey detached building at the rear to accommodate two replacement flats plus an additional 4 x 1 bedroom flats) this is shown to be slightly set down on the site by 1.0 m. A side elevation south (as shown below) shows the design of the building and its relationship to existing dwellings at the rear. It is also shown in terms of its location within the site in the proposed floor plans, as below. The building will be located at its nearest point right next to the foot of rear gardens of dwellings in Berkley Road or 0.5m at the most. The detached building includes an external staircase and walkway to provide access to the 3 units on the upper floor of the building.

Side elevation (south) of the rear block of flats is shown below



Below are the layout plans as proposed



Development Plan and other related Planning Policies and Guidance

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

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

The Development Plan for Gravesham therefore now comprises:-

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

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

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

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

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

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

The application site is shown as being within the town centre inset and within a **primary shopping area** and within the **Gravesend Town Centre Boundary and Opportunity Area** (Policies CS05 and CS08), a **conservation area** (Policy CS20) and has a **secondary shopping frontage** (Saved Policy S4) in the Gravesham Local Plan Policies Map.

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to the consideration of this application

Core Strategy Policy CS01: Sustainable Development
 Core Strategy Policy CS02: Scale and Distribution of Development
 Core Strategy Policy CS05: Gravesend Town Centre Opportunity Area
 Core Strategy Policy CS07: Economy, Employment and Skills
 Core Strategy Policy CS08: Retail, Leisure and the Hierarchy of Centres
 Core Strategy Policy CS10: Physical and Social Infrastructure
 Core Strategy Policy CS11: Transport
 Core Strategy Policy CS12: Green Infrastructure
 Core Strategy Policy CS13: Green Space, Sport and Recreation
 Core Strategy Policy CS14: Housing Type and Size
 Core Strategy Policy CS15: Housing Density
 Core Strategy Policy CS18: Climate Change
 Core Strategy Policy CS19: Development and Design Principles
 Core Strategy Policy CS20: Heritage and the Historic Environment

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

Policy CS02 (Scale and Distribution of Development) makes a commitment to meeting the Borough's objectively assessed need for 6,170 new dwellings over the plan period and outlines where new development will take place. The strategy prioritises development in the urban area by promoting regeneration by:

- the redevelopment and recycling of underused, derelict and previously developed land;
- revitalising Gravesend Town Centre as a focal centre for small scale office development; and
- Bringing forward a range of suitable sites for residential and employment development.

Policy CS05 (Gravesend Town Centre Opportunity Area) indicates that the Gravesend Town Centre Opportunity Area will be the principal focus for town centre related economic and social activity in the

Borough. This will be achieved by consolidating the existing retail area, encouraging a mix of employment and residential uses, improving its role as a transport hub by the creation of a public transport interchange, promoting an evening economy through giving support to the provision of leisure uses and taking full advantage of its heritage and riverside setting.

Within the Opportunity Area, the Council will (*amongst other things*):

- Support the provision of new residential development where a satisfactory living environment can be achieved;
- Support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character; and
- Support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.

Policy CS08 (Retail, Leisure and the Hierarchy of Centres) seeks to reinforce a sustainable network and hierarchy of centres by maintaining the sub-regional role of Gravesend Town Centre; protecting and enhancing existing local centres, as shown on the Policies Map, and creating additional local centres to meet local retail needs generated by new development on Key Sites. In support of this the Council will (*amongst other things*):

- apply a sequential approach to the location of main town centre uses;
- support development of a scale and type appropriate to the position of the centres in the hierarchy and their character;
- safeguard the retail character and function of existing and new centres by resisting development that would adversely affect their vitality and viability,

Policy CS10 (Physical and Social Infrastructure) indicates that support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being. Where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.

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

Policy CS12 (Green Infrastructure) indicates that all green spaces contribute to the green infrastructure network and that the multifunctional network of green spaces will be created, protected, enhanced and maintained.

Policy CS13 (Green Space, Sport and Recreation) indicates that the Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate, up to date and relevant evidence base.

Policy CS14 (Housing Type and Size) expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

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

Policy CS18 (Climate Change) seeks to ensure that Water Framework Directive objectives are secured and that the impact of development on waste water drainage systems is minimised. Surface water run-off from all new development should, as a minimum, have no greater adverse impact than the existing use. It requires the use of Sustainable Drainage Systems where technically and financially feasible. It requires the

water efficiency measures to be installed to achieve the equivalent of level 3/4 of the Code for Sustainable Homes (105 litres per person per day)²

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

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

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

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

Policy CS20 (Heritage and the Historic Environment) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Gravesham Local Plan First Review 1994

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

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

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

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

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

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

Policy TC2: Policy for Listed Buildings

Policy TC3: Development Affecting Conservation Areas;

Policy S7: Policy for Hot Food Shops and Restaurants and other A3 uses

Policy T1: Impact of Development on the Highway Network

Policy T5: New Accesses onto Highway Network

Policy P3: Vehicle Parking Standards

Policy P5: Exceptions to the Vehicle Parking Standards - Change of Use of Buildings

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

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

Saved Policy TC2 (Listed Buildings) indicates that applications involving alterations or extension to listed buildings or affecting the setting of listed buildings the primary consideration will be the maintenance of the original listed building and proposals will need to be sympathetic to the listed building in terms of massing, scale, appearance and materials.

Saved Policy TC3 indicates that where development is acceptable in relation to other policies in this Plan, it will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area. The Borough Council will expect applications to contain sufficient details to enable the impact of the proposal upon the conservation area to be assessed.

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

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

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

Saved Policy P5 indicates that for the change of use of buildings there may be a relaxation of parking standards if prejudicial to the townscape or likely to lead to the building being unused or underused

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

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

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

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) is considered relevant to the consideration of this application, albeit the weight that may be accorded it is limited.

Proposed Policy INF 2: Transport Design Principles

Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy INF 5: Electric Vehicle Charging Points
Proposed Policy GI 6: Biodiversity
Proposed Policy RES 2: Residential Space Standards
Proposed Policy RES 6: Residential Intensification through New Build
Proposed Policy AM 4: Sunlight and Daylight within New Development
Proposed Policy AM 5: Noise
Proposed Policy HER 3: Conservation Areas

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

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

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

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

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

The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving sustainable development
Section 4, Paragraphs 38 - 59: Decision Making
Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes
Section 7, Paragraphs 86 - 91: Ensuring the vitality of town centres
Section 8, Paragraphs 92 - 103: Promoting healthy and safe communities
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 11, Paragraphs 119 - 125: Making effective use of land
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment
Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Paragraph 8, advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The social objective is to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Section 4, Paragraphs 38 - 59: Decision Making

Paragraph 47 indicates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs 55-58 of the NPPF contain advice on planning conditions and obligations. Paragraph 56 indicates that conditions should be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes

Paragraph 60 indicates that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Section 7, Paragraphs 86 - 91: Ensuring the vitality of town centres

Paragraph 86 indicates that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should (amongst other things):

Recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Section 8, Paragraphs 92 - 103: Promoting healthy and safe communities

Paragraph 92 indicates that planning decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9, Paragraphs 104-113: Promoting Sustainable Transport

Paragraph 110 indicates that in assessing specific applications for development, it should be ensured that:

- (a) Appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;
- (b) Safe and suitable access to the site can be achieved for all users;
- (c) the design of streets, parking areas, and other transport elements reflects current national guidance; and
- (d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112, requires applications to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11, Paragraphs 119 - 125: Making effective use of land

Paragraph 119 indicates that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120d requires decisions to promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained.

Paragraph 122 requires decisions to reflect changes in the demand for land.

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Paragraph 126 advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 indicates that, amongst other things, planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

This sets out (amongst other things) national policy in relation to flood risk. This should be read in conjunction with the relevant sections of National Planning Practice Guidance (NPPG 2014) and the Environment Agency Flood Risk Standing Advice available on line via <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Paragraph 174 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

- (a) Protecting and enhancing valued landscapes,
- (b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Paragraph 194 of the NPPF indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things.

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

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

Supplementary Planning Guidance and other Documents

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

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

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

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006);
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006);
- GBC Residential Layout Guidelines, SPG2, including Housing Standards Policy Statement October 2015, Adopted February 1996 - amended June 2020;
- Technical Housing Standards: Nationally Described Space Standards;
- High Street and Queen Street Conservation Area Character Appraisal 2009;
- Management Plan for the Gravesend Town Centre Conservation Areas (2009)

Consultations Publicity and Representations

Consultations - Internal

GBC - Environmental Protection Team (Regulatory Services)

The following to be considered:

Code of Practice on Construction and Demolition: Please apply

Watching Brief:

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Noise Control:

In order to limit the likelihood of noise nuisance occurring due to poor construction/insulation and noise from the surrounding environment, we would ask that the following is applied as a condition;

1. Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive

receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

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.

Drainage/sewerage informative:

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC Highways officer

This is a town centre location with cycle parking provided for the new flats, I have no objections. However the applicant should note that the requirement is for cycle parking which includes adaptive cycles and not just bicycles.

GBC - Waste & Recycling Manager

Due to current waste storage problems in this street, I require more detail on the waste storage provision. Waste storage for the domestic properties needs to include residual, recycling and food waste storage containers to meet current and future Government legislation.

I need confirmation of where the bins will be placed for collection and how they will be moved from the bin store to the collection point. There also needs to be separate waste storage provision for the commercial business as this needs to be kept separate from the domestic waste and details of collection regime should be provided.

As mentioned above this street has an ongoing issue with waste storage so effective waste storage is essential.

It is the developer's responsibility to pay for the provision of bins on site, this can be done via the Council's Waste Management Team.

GBC Conservation Officer

No comments received

Ward Councillors - Riverside Ward

Has noted previous refusal and would ask for consideration by Planning Committee if there is to be a positive recommendation

Consultations - External

KCC Heritage

The site has general background archaeological potential as well as more specifically with respect to the post-medieval and modern development of this area of the town. Groundworks at the site are likely to reveal below-ground archaeological remains, though these are likely to have been impacted by the most recent construction at the site. I therefore think that it would be reasonable to require that in the event that planning permission is granted the works are subject to a Watching Brief secured by the following condition:

AR4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Design South East (DSE)

- The proposed additional storey and frontage alterations of no.22 is supported as it would improve the character of the streetscene.
- The principle of intensifying the site and providing residential units in this town centre location is accepted. However, the form of the proposed block of flats does not successfully respond to the highly constrained site or character of the surrounding area.
- A fundamental issue with providing residential accommodation to the rear of this site is the single access point via no.18. The long, dark, narrow alley would be uninviting and uncomfortable for residents and visitors. It would also be challenging to bring bikes and bins through this access point due to the narrow width.
- The proposed bike store is located at the rear of the site meaning that residents would have to carry their bikes down steps and along the front entrance of the ground floor flats. This is convoluted and inconvenient.
- There are concerns that on bin collection day, the pavement outside the properties will be cluttered and result in a poor quality street environment.
- The lack of provision for deliveries and the impact on the pedestrian and traffic movement in the street is also of concern.
- The quality of life and amenity of residents within the proposed six flats to the rear of the site is likely to be poor. The proposed flats would be single aspect with no windows in the bedrooms or bathrooms. This will result in dark and poorly ventilated spaces.
- The outdoor communal amenity space is likely to be poor quality and underused.
- The gallery access to the upper storey flats will result in significant overlooking to gardens and properties on Berkley Road. A privacy screen would partially mitigate this but would also further reduce the outlook of residents in these flats and so would not be an ideal solution.
- The proposed block of flats would not be wheelchair accessible due to the way it is set below ground level and accessed via steps.
- The architectural approach of three gable ended properties in this back-land location does not relate to the character or grain of the surrounding Conservation Area.
- An alternative, more appropriate design response to explore could be two or possibly three bespoke mews houses. These could provide naturally lit bedrooms and bathrooms at ground floor with living areas and kitchens at first floor, which could also be top lit. This approach could provide improved living conditions and resident amenity, while reducing the impact on neighbouring properties. A more appropriate roof form to explore would be a traditional butterfly roof with parapet.
- The applicant could also consider a more comprehensive scheme by including properties to the south. This would provide greater scope for a more appropriately scaled and cohesive design approach.

KCC - Dartford Group Fire Safety Office

Whilst fire service access to the boundary of the proposed site appears satisfactory applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under B5 of the Building Regulations 2010, to be established. A full plans

submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service. It would appear that the 45m hose laying requirement may not be able to be achieved due to the restricted access.

KCC - Highways & Transportation

This is a town centre location close to local facilities and within easy reach of bus services and the railway station therefore in a very sustainable location. In accordance with Kent Residential Parking Standards no parking spaces need to be provided for the proposed flats which would help minimise the use of travel by the private car.

No objection is therefore raised on highway grounds to this application.

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.

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>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Publicity

42 adjoining premises/dwellings and site notice and press notice as development affecting the character and appearance of a conservation area and affecting the setting of a listed building.

One representations received objecting as follows:

- We would like to object again as I wrote in my previous email 5-5-21, this planning at rear of 22 Queen Street will block natural sunlight in the afternoon from our small black garden, and my winter sun sets.
- If this proposal goes ahead as outlined all would see from our house and back garden would be brick wall.
- The rear wall of the proposed building would be less than 1 metres from our back fence.

Planning Analysis and Assessment

Introduction

A similar planning application submitted earlier this year (20210506) proposed the same front alterations to these properties facing Queen Street and a similar rear block of flats as shown in the side elevation (south) and floor plans below.



The application was refused on the following grounds:

1. The proposed rear block of flats by virtue of poor design, bulk and massing creates a cramped form of development and is overdevelopment of the site within the Queen Street Conservation Area. As such the application fails statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is contrary to Policy CS19 (Development and Design Principles) and Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014, saved Policy TC3 (Development Affecting Conservation Areas) of Gravesham's Local Plan First Review 1994 as well as Sections 12 and 16 of the National Planning Policy Framework 2019.
2. The proposed rear block of flats development would result in inadequate and unsatisfactory levels of natural light and ventilation, unacceptable privacy distances between habitable windows, as well as providing substandard living spaces and substandard amenity space. The proposal is therefore contrary to

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan: Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2019).

3. The proposed rear block fails to safeguard the amenity of neighbouring properties on Berkley Road by virtue of scale on the boundary which results in a sense of enclosure and an overbearing unneighbourly form of development contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan: Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2019).

4. The development fails to provide any provisions for cycle storage contrary to Kent County Council parking standards (SPG 4) (2006) which states that waterproof cycle storage should be provided, with a minimum of one space per flat.

5. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 175 and 176) of the National Planning Policy Framework (2019) and Policy CS12 of the Gravesham Local Plan: Core Strategy (2014).

In respect of amendments to address the above grounds of refusal the applicant's agents indicate that:

- The overall bulk and mass of the proposed rear block has been reduced by switching from the horseshoe shaped block at the rear to a more regular shape, reducing the footprint and changing the roof design from a mansard to 3 gables.
- The new block has been orientated against the northern boundary adjoining 24 Queen Street moving the bulk of the new development away from the boundary wall adjoining the gardens of properties in Berkley Road.
- The new proposal addresses the previously identified issue of privacy distances between habitable windows across the block, and with all flats now being served by the same number of windows and being oriented facing south.

The Key Issues

The key planning considerations in the assessment of this revised application are as follows:

- The Principle of the Development
- Design and Impact of the Development on the Character and Appearance of the Area including the Queen Street Conservation Area
- Suitability of the accommodation for future occupiers and compliance with local/national standards
- Impact on Local Residential Amenity
- Parking and Highway Issues
- Other Material Considerations - ecology/refuse arrangements etc.

The assessment will also consequently consider whether the revised proposals have sufficiently addressed the previous reasons for refusal.

The Principle of the Development

This application is to provide two replacement flats plus an additional 4 x 1 bedroom flats at the rear, an enlarged first floor flat and a new 2 bedroom flat to the frontage so that there will be a net gain of 5 units in total. There would be a total of 11 flats and 3 shop units across this site if the scheme were to be granted permission.

Policy CS02 Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by: *Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area*

The site is within a highly sustainable location within the town centre and where there is policy support in Policy CS05 (Gravesend Town Centre Opportunity Area) to the provision of new residential development where a satisfactory living environment can be achieved, to the redevelopment of under-used sites where

this makes more efficient use of the sites and improves townscape character; and support to existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.

The National Planning Policy Framework (NPPF) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 121 advises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.

The application site meets the definition as previously developed land.

Housing Need and Sustainability

Local Plan Core Strategy Policy CS02 sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for over 6,000 new dwellings in that time. Evidence now available shows that the Council is not able to currently demonstrate a five-year housing supply.

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 statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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.

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 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The residential development/use of the site supports the Governments greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes).

The redevelopment of sites within the urban area can help reduce the pressures for the release of fresh land in rural locations, which is of particular importance in a Local Authority constrained by Green Belt policy. This would be in conformity with paragraphs 120 and 141 of the NPPF. Evidence of land scarcity can be found in paragraph 2.14 of the Site Allocations: Issues and Options consultation document, which identifies a shortfall in the supply of housing sites of 2,000 dwellings.

Therefore, the development of the site for a net increase of 5 units would offer a modest contribution towards meeting this local need and, accordingly, weighs in support of this application.

However, this has to be balanced against other requirements of the NPPF and in particular paragraphs 130 and 134 of the NPPF which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole. There are a number of planning, highway and other material planning issues that need very careful consideration in the assessment of this application.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

Policy CS15 (LPCS) requires that all new housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Based on the site area of the site the density of the development would be circa 187 dwelling units per hectare thus substantially over the target minimum density. This might suggest perhaps overdevelopment of the site that might not be in character with the surrounding area but there are other issues that also need to be considered. It is also partly a conversion scheme and partly a new build and is within a town centre location and therefore density calculations would be expected to show higher density.

Design and Impact of the Development on the Character and Appearance of the Area including the Queen Street Conservation Area

The application site is located in the High Street and Queen Street Conservation Area. Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 are relevant. Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Policy TC3 of the Gravesham Local Plan First Review 1994 sets out that development within or affecting conservation areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

The High Street and Queen Street Conservation Area Appraisal comments that:

The narrowness of Queen Street is accentuated by the height of the three to four storey buildings in some places, although there is a more open appearance around the single storey shops at nos. 1 and 1a and Borough Market Hall. At ground floor level there is a crowding effect of irregular shopfronts sitting directly on a narrow pavement lined by cast iron bollards and parked cars.

The proposal will change the appearance of 22 Queen Street by introducing a second floor extension. The extension will remove the existing pitched roof, and create a parapet roof to the frontage (similar to nos. 18 and 20 Queen Street).

No comment was received from the Council's Conservation Architect regarding this development.

However, this aspect of the development is not considered to result in any harmful impact on the character or appearance of the Queen Street Conservation Area, and the extension has been designed to match the neighbouring properties. Conversely whilst the general principle of this is supported, there are no other positive enhancements to the frontage proposed that might give a visual lift to the appearance of the street scene.

Having established the acceptability 'in principle' of the upward extension to 22 Queen Street, the next part of the proposal to discuss is the block of 6 flats in the rear garden. The garden is a relatively tight space, with residential properties bordering to the rear and other small gardens off of Queen Street.

The proposed rear block is sunken down to reduce the height and make it a 1.5 storey building. It has been reduced from the previously rejected scheme earlier this year. However it is considered that the development does not relate well to the existing buildings and is set down simply to reduce its impact rather than designed to relate to the rest of the site. There are no section drawings to show the extent of how the building is set down. It would preclude access for the mobility impaired because of the stepped access.

It appears to be a functional approach to meeting numbers of units on the site without real credibility in terms of its outward appearance, its form and orientation and includes an awkward external staircase and corridor at first floor level.

In terms of the overall design the scheme was reviewed by Design South East (DSE) in accordance with the advice in paragraph 133 of the NPPF. They have commented, in summary:

- *The form of the proposed block of flats does not successfully respond to the highly constrained site or character of the surrounding area.*
- *The single access point is via no.18. The long, dark, narrow alley would be uninviting and uncomfortable for residents and visitors. It would also be challenging to bring bikes and bins through this access point due to the narrow width.*
- *There are concerns that on bin collection day, the pavement outside the properties will be cluttered and result in a poor quality street environment.*
- *The architectural approach of three gable ended properties in this back-land location does not relate to the character or grain of the surrounding Conservation Area.*

Overall it is considered that the proposed development would be overdevelopment and unacceptable in design terms and would adversely impact on the character and appearance of the High Street and Queen Street Conservation Area and not relate well to the existing buildings or the character and appearance of the area. As such, it would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

Therefore the development has not overcome the first ground of refusal from the previous planning decision (20210506).

Suitability of accommodation for future occupiers and compliance with local/national standards

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

To ensure that adequate living space is provided for future residents, the units need to meet the national technical standards (Nationally Described Space Standards) and the GBC Residential Layout Guidelines. The national technical standards are prescribed standards, which set an overall unit area (which includes built in storage) and bedroom size and effectively supersede the room sizes set out in Council's Residential Layout Guidelines and referred to in Core Strategy policy CS19, although it should be noted that the national technical standards are not Council adopted standards and the Council's Residential Layout Guidelines for the time being and to some extent will still apply.

The applicants have provided a schedule of accommodation and this is set out earlier in this report.

Whilst the floor areas of the rear block units might just be meeting the minimum standard as set out in the Technical Housing Standards of 37m², Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, requires development to safeguard amenity, including privacy, daylight and sunlight, but also appropriate ventilation for future occupiers. The Residential Layout

Guidelines states that “whenever practical, all kitchens and bathrooms shall be provided with openable windows. All glazing to windows in bathrooms shall be obscure”.

In this revised scheme it is noted that none of the bathrooms will have any natural ventilation and moreover all of the bedrooms have no windows and will receive no natural light. This will therefore provide a poor level of living environment for future occupants.

There would also be an inappropriate access to the rear of the site. The access is an internal walkway through 18 Queen Street which a minimum width of 0.8m, length of almost 30m and will serve the 6 units in the rear block. This access is expected to be used for waste removal and the access of the residents with furniture, etc. and therefore this further exacerbates that the proposal is overdevelopment. (See photos below).



Kent Fire and Rescue Service have pointed out that in the event of planning permission being granted the Fire and Rescue Service would require emergency access to be established and that it would appear that the 45m hose laying requirement may not be able to be achieved due to the restricted access.

Design South East (DSE) have commented in terms of the suitability of the accommodation pointing out that:

- *The quality of life and amenity of residents within the proposed six flats to the rear of the site is likely to be poor. The proposed flats would be single aspect with no windows in the bedrooms or bathrooms. This will result in dark and poorly ventilated spaces.*
- *The outdoor communal amenity space is likely to be poor quality and underused.*

As such the proposal fails to safeguard the amenity of future occupiers to a level they should be expected to enjoy and is contrary to Policy CS19 (LPCS) as well as Section 12 of the NPPF.

Therefore the development has not overcome the second ground of refusal from the previous planning decision (20210506).

Impact on Local Residential Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy.

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

The NPPF also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The application site is surrounded by a mixture of commercial and residential properties. The commercial properties are mostly located at ground floor level, as would be expected in this town centre location.

The rear of the application site adjoins the rear gardens of family dwellings in Berkeley Road, separated by a 1.8m high brick wall.

Whilst the scale of development has been reduced from the previous scheme and the proposed new rear block of flats moved in part away from the boundary with the rear gardens of dwellings in Berkley Road and re-orientated it will still be only be at best 0.5m from the boundary and to a height of 3.5m above ground level rising to a height of 6m only 3m from the boundary. This would be an overbearing and dominant form of development along the rear boundary of properties on Berkley Road.

In addition there would now be direct overlooking of neighbouring gardens and properties from the proposed first floor walkway. There is a neighbour objection on such grounds.

Design South East (DSE) have commented in terms of the impact on local amenity pointing out that:

- *The gallery access to the upper storey flats will result in significant overlooking to gardens and properties on Berkley Road. A privacy screen would partially mitigate this but would also further reduce the outlook of residents in these flats and so would not be an ideal solution.*

As such the scale of the development on the rear boundary of the neighbouring properties on Berkley Road is an overbearing and unneighbourly form of development, detrimental to their amenity and will result in overlooking of neighbouring gardens and property contrary to Policy CS19 (LPCS) and Section 12 (NPPF).

Therefore the development has not overcome the third ground of refusal from the previous planning decision (20210506).

Parking and Highway Issues

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

The site is in a central location in the town where public transport links are good and there are sufficient parking restrictions in the locality and public car parks available nearby. As such, the Council is prepared to accept no off-street parking provision.

Kent County Councils parking standards SPG4 (2006) states that weatherproof cycle storage should be provided, with a minimum of one space per flat. Cycle parking is now provided within the revised scheme but was not in the original scheme.

Kent Highway and Transportation Services and the GBC Highways Development Management Officer have raised no objection to the proposed development although the latter has advised that the requirement is for

cycle parking which includes adaptive cycles and not just bicycles.

Therefore the proposed development would be in line with the provisions of Policy T11 of the Gravesham Local Plan Core Strategy September 2014 and saved Policies P3 and P5 of the Gravesham Local Plan First Review 1994 and Section 9 (Promoting Sustainable Transport) of the NPPF.

The revised scheme therefore overcomes the 4th ground of refusal from the previous planning decision (20210506).

Other Material Planning Considerations

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 £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) 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.

As in the previous refused application earlier this year, in this case the applicant has not completed the SAMMS Mitigation Contribution Agreement and therefore the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Failure to mitigate the impact of the development on habitat sites means that the presumption in favour of development under paragraph 11 of the NPPF 2021 would not apply in this case.

The 5th ground of refusal from the previous planning decision (20210506) has therefore not been addressed.

Refuse Storage

There is a communal waste storage area shown on the proposed ground floor plan at the rear.

The Assistant Director of Operations (GBC Waste Management) has nevertheless commented that more detail on the waste storage provision is required including where the bins will be placed for collection and how they will be moved from the bin store to the collection point and with separate waste storage provision for the commercial business as this needs to be kept separate from the domestic waste and details of collection regime should be provided.

It has been pointed out that this street has an ongoing issue with waste storage so effective waste storage is essential.

Design South East have also commented about the waste arrangement advising of concerns that on bin collection day, the pavement outside the properties will be cluttered and result in a poor quality street environment.

Archaeology

KCC Heritage and Conservation have advised that if permission were to be granted an archaeological watching brief would be required.

Financial Benefits

In terms of other financial benefits, it is noted that these will accrue to the area as and when permissions are granted. The Government wishes to ensure that the decision making process for planning applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this instance the proposed new residential units would generate the New Homes Bonus and Council Tax receipts.

Conclusions and Balancing Exercise

The proposed development would be located in a sustainable, town centre location and provide new residential units, contributing to the Borough's housing stock, which would be a modest contribution to the Borough's overall housing supply and adds some limited weight to the proposal.

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

The overall planning assessment has concluded that

- The proposals will result in overdevelopment of the site, unacceptable in design terms and would adversely impact on the character and appearance of the High Street and Queen Street Conservation Area and not relate well to the existing buildings or the character and appearance of the area. This is contrary to local and national policy.
- The proposed rear block of flats would provide inadequate and unsatisfactory levels of natural light and ventilation creating a poor living environment for the future occupants of the development. In addition there would be a poor means of access to the rear of the site through a narrow and poorly lit walkway. This is contrary to local and national policy.
- The scale, form and orientation of the proposed rear block of flats fails to safeguard the amenity of neighbouring properties in Berkley Road that adjoin the site, resulting in an overbearing and

unneighbourly form of development in close proximity to the common boundary and result in direct overlooking of neighbouring gardens and properties. This is contrary to local and national policy.

- The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the Special Protection Area (SPA)/Ramsar site. The National Planning Policy Framework provides a clear reason for refusing the proposal in this regard and is also contrary to local policy.
- The applicant has failed to provide sufficient information in relation to waste storage arrangements for the development including for the existing commercial uses, and where the bins will be placed for collection and how they will be moved from the bin store to the collection point. This is contrary to local and national policy.

On balance therefore, it is considered that the benefit of additional town centre flat units does not outweigh the harm that has been identified above.

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

Recommendation:

REFUSED on the grounds that:

1. The proposed development would be overdevelopment of the site, unacceptable in design terms and would adversely impact on the character and appearance of the High Street and Queen Street Conservation Area and not relate well to the existing buildings or the character and appearance of the area. As such, it would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy, September 2014, saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) 2021.

2. The proposed rear block of flats would provide inadequate and unsatisfactory levels of natural light and ventilation creating a poor living environment for the future occupants of the development. In addition there would be a poor means of access to the rear of the site through a narrow and poorly lit walkway. The proposal is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014 and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

3. The scale, form and orientation of the proposed rear block of flats fails to safeguard the amenity of neighbouring properties in Berkley Road that adjoin the site, resulting in an overbearing and unneighbourly form of development in close proximity to the common boundary and result in direct overlooking of neighbouring gardens and properties from the proposed first floor walkway, thus contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014 and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

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

5. Insufficient information has been provided in relation to waste storage arrangements for the development including for the existing commercial uses, and where the bins will be placed for collection and how they will be moved from the bin store to the collection point. This is essential in a street where there has been an ongoing issue relating to effective waste storage and the need to ensure that the pavement outside the

properties does not become cluttered or result in a poor quality street environment, contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014, saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) 2021.

INFORMATIVES

1 DRAWINGS AND DOCUMENTS

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

Planning Application Form;

Planning Statement incorporating Heritage Statement dated September 2021 (Revision 1) by Barron Edwards;

Drawing No 182022QS-PL 001: Site Location Plan and Existing Block Plan;

Drawing No 182022QS-PL 002: Proposed Block Plan;

Drawing No 182022QS-PL 003: Existing Floor Plans;

Drawing No 182022QS 004: Existing Elevations;

Drawing No 182022QS-PL 005: Proposed Floor Plans;

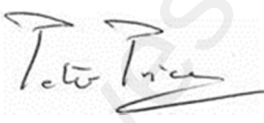
Drawing No 182022QS 006: Proposed Elevations;

Drawing No 182022QS 007: Proposed Rear Block Elevations;

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

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

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	13 th December 2021	Dated:	14 th December 2021

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20211111 - Delegated Report - 18 - 22 Queen Street Gravesend - Extension and alterations for flats/enlarged retail including new building at the rear