



Delegated Report

Planning Application

Planning Application No: 20230567

Location: Heritage House, 79 - 80 High Street, Gravesend DA11 0BH

Description: Change of use from existing use Class E to sui generis (HMO) use and office on the ground floor with alterations to the buildings.

Applicant: Mr Satnam Singh Dhaliwal, SD And JD Property Limited

Site Visit Date: 17 January and 13 June 2023

Submitted Documents/Plans

Application form

Heritage Statement by JF Heritage

Design and Access Statement

Window and Door Details

Drawing no. 01 rev A (existing floor plans)

Drawing no. 02 rev A (existing elevations)

Drawing no. 03 rev A (existing elevations)

Drawing no. 04 rev A (existing plans and elevations – outbuilding)

Drawing no. 05 rev B (proposed floor plans) *applicant's agent has confirmed by email that this plan should be labelled rev C, not B as shown on the plan*

Drawing no. 06 rev B (proposed elevation and block plan)

Drawing no. 07 rev B (proposed elevations)

Drawing no. 08 rev B (proposed plans and elevations – outbuilding)

Drawing no. 09 (proposed extractor section)

Relevant Planning History

20230568	Application for Listed Building Consent for the change of use from existing use Class E to sui generis (HMO) use and office on the ground floor with alterations to the buildings.	Under consideration	
20040242	Display of ten externally illuminated double sided hanging projecting signs at first floor level, one on each building.	Consent	07.05.2004
19980399	Erection of a three storey building to form 2 no. retail shops, reception area and walkway with offices over.	Permitted	04.09.1998
19980398	Application for Listed Building Consent for the taking down and	Permitted	04.09.1998

removing existing cellar walls to 81-83 High Street; taking down and removing existing York Stone walkway to Hole-in-the-Wall Alley and providing new footpath in York Stone; building new brick wall up against the northern boundary to 80 High Street and sealing gaps between new and existing wall against ingress of water; removing existing eaves gutter along northern elevation together with downpipe and fixing new cast iron downpipe to front elevation of 80 High Street; taking up the tiling to base of roof slope and forming new valley gutter to 80 High Street against flank wall to 81 High Street, all in connection with the erection of a three storey building on the former sites of 81-83 High Street.

19950486	Application for Listed Building consent for the attachment of a hanging sign on the front elevation of no. 79 at first floor level.	Permitted	06.10.1995
19950485	Display of a hanging sign on the front elevation of no. 79 at first floor level.	Consent	06.10.1995
19920527	Change of use of office/workshop to a 24-hour taxi office.	Permitted	16.11.1992
19860701	Use of premises as offices installation of new shop fronts and change of use of the detached storage building at the rear to a workshop	Permitted	31.07.1987
19860700	Application for Listed Building Consent for the demolition of the existing two storey rear extension of no 79 and internal and external alterations in connection with use of the premises as offices	Permitted	31.07.1987
19840429	Listed Building Consent for internal works	Received	

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development

- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS08 – Retail, Leisure and the Hierarchy of Centres
- 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
- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Area
- TC7 – Other Archaeological Sites
- H5 – Increasing the Housing Stock by Conversion
- S4 – Policy for Upper Floors in Shopping Streets

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

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

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 16 – Conserving and enhancing the historic environment

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

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

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year

housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

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

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

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

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

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 128(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 proposed development for a net increase of '8' residential units would offer a minimum contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to be high quality, beautiful and create acceptable living conditions 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.

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);
- High Street and Queen Street Conservation Area Character Appraisal 2009
- Town Centre Management plan (2009)

Other considerations

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Consultations, Publicity and Representations

Consultees

GBC Waste

Due to the location of the development, it is essential that sufficient refuse collection storage arrangements are put in place.

I am unable to comment until further details are provided.

KCC Public Rights of Way Officer

I can confirm that I do not have any objections to the above planning application at 79-80 High Street. Public Right of Way Footpath NGX1 lays to the north of the proposed site and I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Kent Fire and Rescue

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20230567 I would like to make the following observations.

- Although it appears access to the proposed building under the County of Kent Act 1981 can be achieved, please confirm that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the building or 15% of the perimeter.

If the above cannot be achieved then a fire mains will be required in accordance with paragraph 16.3 of ADB Vol 2.

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 the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. 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.

GBC Environmental Protection

I would reiterate the comments made with regards to the previous (withdrawn) applications for this premises as the matters raised before do not appear to have been addressed:

Environmental Protection has a number of concerns with regards to this application.

The building is Listed and in a Conservation Area and as such, providing suitable and sufficient sound insulation for both internal (room to room) noise transmission and also insulating against external noise from the High Street may be difficult to achieve without significant structural alterations. These alterations are likely to be contrary to Conservation stipulations.

The Design and Access Statement states that the development will not 'result in any noise and disturbance to neighbouring properties over and above what is reasonably expected within this urban location.' This does not appear to consider noise generated internally and the consequent amenity of future residents. For example, bedroom 5 will be above the living/kitchen areas on the 1st floor, ground floor, bedrooms on the 2nd floor will be below the kitchen/boiler room/utility and store in the loft. Rooms such as kitchen and living rooms generally have higher noise levels than bedrooms particularly at night-time, which could result in sleep disturbance. In addition, some bedrooms have en-suite facilities which are again above/below other bedrooms. Again, bathrooms can generate noise eg toilet flushing, water running away etc which at night can be noisy.

In this plan, the offices are to remain on the ground floor, so it is important that sound insulation is such that disturbance doesn't happen either way via the ceiling/floor partition.

The impact on future occupants from external noise from the High Street has not been considered either. This part of the High Street can be noisy, particularly at night, as patrons using various night-time venues pass through. Environmental Protection regularly receive justified complaints about noise on the street (shouting, screaming, fighting etc) as a people pass through. We are unable to investigate this type of complaint as 'people noise' on the street is not included within the noise legislation we enforce.

In view of this, it is recommended that a noise impact assessment be undertaken prior to any conversion works taking place to ensure that suitable and sufficient sound insulation can be afforded to the floor/ceiling partitions and any internal partitions where there are conflicting room uses (ie kitchen next to bedroom). In addition, the noise assessment must also consider the implications of external noise from the High Street (particularly at night-time) breaking through the windows and fabric of the building to ensure that the standards for internal noise as detailed in BS 8223:2014 – 'Guidance on sound insulation and noise reduction for buildings' are complied with. It may be that double glazing/upgraded window glass or even closed windows with additional mechanical ventilation will be needed to ensure complaint internal noise levels at night-time.

In respect of this and other matters, it is recommended that the following be considered and conditioned as necessary:

Sound Insulation:

External noise

a) Before any works commence, a noise impact assessment shall be carried out and shall be submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt the noise impact assessment shall set out how the change of use of the building will ensure compliance with the following requirements:

- i. The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
- ii. The maximum internal noise levels in all habitable rooms should not normally 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.
- iii. 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

Where compliance with these criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round. The noise assessment should not be limited to noise from traffic and plant, but should also take into account the impact of other existing audible noise sources such as music and behavioural noise from, and associated with, existing licenced premises (in the areas of Queen Street, High Street & Town Pier) during the evening and night-time economy period, Tilbury port operations, and early morning delivery noise to nearby commercial uses, as appropriate.

b) Prior to first occupation of the apartments, a suitable post-completion demonstrating compliance with (a) shall be submitted to and approved, in writing, by the Local Planning Authority

The approved details shall be maintained for the lifetime of the development.

Internal noise

Prior to the first occupation of the HMO units, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

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

Reason

In order to protect the amenity of future occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Code of Practice on Construction and Demolition: Please apply to prevent nuisance from noise and dust during demolition and construction occurring to nearby premises.

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.

Historic England

Thank you for your letter of 19th February 2024 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

Background

Historic England provided written advice on 21st August 2023 to the original planning permission and listed building consent applications for the conversion of Heritage House from commercial space to a house of multiple occupation.

At that time, we considered that the submitted information lacked important detail regarding the heritage significance and conservation needs of these fine Grade II* listed buildings.

We recommended drawing up a detailed Heritage Impact Assessment based on desk-top and visual analyses, prepared by a suitably qualified conservation professional, and producing a condition survey, as well as schedule of proposed repair and alterations. These documents were necessary to demonstrate that the scheme had been conceived to preserve the heritage significance of the buildings, minimise harm and address their conservation needs, as requested by paragraph 201 and 205 of the NPPF (December 2023).

Historic England Advice

Following our recommendations, a new Heritage Impact Assessment has been produced by JF Heritage in January 2024. The document sets out the historical and architectural significance of the heritage assets and clarifies that the buildings' interiors retain notable features of interest, including staircases, fireplaces and timber panelling.

The impact assessment section of the document indicates that the proposed conversion would implicate removal of modern fabric of no merit and minor, reversible modification to the existing layout - which mostly reflects the original planform - in order to accommodate a number of en-suites to the proposed bedrooms at first and second floor level. On this basis, the assessment concludes that the overall impact on significance would be low.

However, lack of more detailed information about the location of surviving wall panelling does not allow for an assessment to be made on the potential harm that the proposed facilities may cause to the significance of the listed buildings. Positioned within existing rooms, the new partitions and fittings may conceal and affect these important features, which contributes to the historical character of the spaces.

In addition, the Applicant has not produced the recommended condition survey and related schedule of proposed repair and alterations, which would have assisted in understanding the full implications of the scheme on surviving fabric of merit.

Recommendation

Historic England has concerns regarding the applications on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 201 and 205 of the NPPF.

In determining these applications, you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Relevant is also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek safeguards and further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

KCC Heritage

The site lies within the historic core of Gravesend and the building is Grade II* listed. I consider it unlikely that the proposed works would have a significant below-ground impact, and therefore have no objection, but recommend that works are subject to an archaeological watching and Historic Building Recording. The latter to ensure that significant historic fabric is understood and conserved where possible and that a clear record is made of the changes to the building and the report lodged with the Kent HER. The necessary recording could be covered by the following conditions being applied to any forthcoming consent:

To ensure that features of archaeological interest are properly examined and recorded during development works:

A) Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development works are observed and items of interest and finds are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

B) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed specification and timetable.

C) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

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

And;

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

NB: The first condition has not been included in the decision notice as the applicant has confirmed no digging will be undertaken.

GBC Conservation Officer

The revised drawings and submitted heritage statement are accepted subject to conditions. *These conditions relate to the listed building and therefore are attached to planning permission 20230568.*

Highway Development Management Officer

This is a town centre location, so no car parking is required, however, to support Active Travel, one secure cycle parking space should be provided per bedroom.

I do note however that there be appears to be discrepancies/errors within the application.

The Design and Access Statement refers to 8 bedrooms and 13 persons under the introduction. Whilst under the Proposal paragraph it refers to 8 bedrooms and 12 persons. The Accommodation Schedule Table supports 13 occupants as the maximum possible.

In addition, on page 6 of the Design and Access Statement reference is made to the property being within 500miles of the Gravesham promenade and Riverside leisure area. It is assumed the applicant means metres.

Under Vehicular Access mention is made of the proximity of the bus stops in West Street and Crooked Lane, rather than the more useful information regarding the location of the bus and railway stations with their more extensive links.

Despite the poor submission, the site is in a sustainable location, and I have no objections.

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 12 neighbouring properties. No letters of representation have been received.

The National Amenities Societies were also consulted twice on the application and although they responded to the two withdrawn applications they have not commented on this and 20230568. The National Amenities Society includes:

Historic Buildings and Places
Council for British Archaeology
The Garden History Society
The Georgian Group
Society for the Protection of Ancient Buildings
The Twentieth Century Society
The Victorian Society

Officer's Analysis

Proposal

This application seeks planning permission for the change of use from existing use Class E to sui generis (HMO) use and office on the ground floor with alterations to the buildings.

The ground floor will consist of three offices accessed from the High Street and a WC. The staircase leading from the largest office to the first floor will be blocked off at the first floor by the continuing of this floor. There will be a staircase accessed from the rear that will lead to the first floor. The office use will be entirely separate to the HMO use on the floors above.

The first floor will contain a kitchen lobby and three bedrooms with en-suites.

The second floor will contain four bedrooms with en-suites and a lobby.

The loft will contain a boiler/utility room, kitchen, store and further utility room.

The outbuilding to the rear will contain a store in the basement and bedroom, kitchen and WC at ground floor.

The elevational plans show no changes other than repairs. The plans state all [new] windows are to be repaired and refurbished and use of secondary glazing for sound and insulation.

The applicant's agent has confirmed by email (13 July 2023) that the windows are to be repaired and refurbished.

The rear elevation shows four outlets for ventilation and details of the grills have been provided.

The plans are annotated to state that new brickwork will match existing however it is not clear what works will result in new brick work being required.

No changes are being shown to the elevations of the outbuilding

The Design and Access Statement says that the proposal is to convert from shop and offices to an HMO of 8 bedrooms for no more than 13 people (although the proposal section of the D&A states no more than 12 people) and that the entrance will be from the front. This conflicts with the plans which show office at ground floor with access to the HMO from the rear. The planning application shows seven units but appears to omit the unit in the separate building. The Heritage Statement refers to the applicant's vision to repurpose the building into a holiday let however it is assumed this is a typo.

Principle of Development

The application site is located within the Primary Shopping Area of Gravesend and within the Town Centre Boundary (policy CS08), Gravesend Town Centre Opportunity Area (policies CS05), High Street Conservation Area (policies CS20 and TC3) and Secondary Shopping Frontage (policy S4).

Policy CS08 relates to retail, leisure and the hierarchy of centres. This policy seeks to protect and enhance existing local centres. It seeks to safeguard the retail character and function of existing centres by resisting development that would adversely affect their vitality and viability. The High Street is an important part of the town centre where there has been considerable effort to retain and enhance the retail provision of the area. The conversion of the upper floors of the building to an HMO leaving the ground floor as commercial/retail would support the objective of supporting the retail/commercial provision of the area.

Policy CS05 states that the Gravesend Town Centre Opportunity Area will be the principle focus for town centre related economic and social activity in the Borough to be achieved by encouraging a mix of employment and residential uses. Within the Opportunity Area the Council will 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 S4 of the Gravesham Local Plan 1994 states:

'In those shopping street frontages indicated on the Proposals Map, the Borough Council will allow changes of use to uses which are appropriate to the Town Centre Shopping Area and which require a shop window frontage, including uses falling within Use Class A2, provided that the total number of buildings in such uses in each particular length of street is not excessive.' Again, the principle of a change of use to HMO above ground floor is supported provided the residential units provide adequate living accommodation and adhere to the policies listed below.

The proposals are to convert the buildings into HMOs and therefore policies CS14 and CS15 also apply.

Policy CS14 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 relates to density. 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.

In terms of principle, provided that the ground floor remains in office, retail or commercial use, the change of use of upper floors to an HMO is acceptable. The application therefore falls to be determined against the policies below.

Background

Heritage House 79-80 High Street Gravesend is a Grade II* listed building, situated in The High Street and Queen Street Conservation Area. The property was listed on 19th March 1974, the listed description states:

“Early to mid C18. 3 storeys weatherboarded, Old tiled roof with 1 original curved dormer. Wide wooden moulded and dentilled eaves cornice. 2 sashes with glazing bars intact. Cornices to 1st floor windows. Modern shopfront. Nos 77 to 83 (consec) and 77A form a group”.

The site comprises two locally distinctive buildings which are characterised by their weatherboard frontage, the buildings are constructed of a timber frame and have a significant historic presence in the heritage quarter of the town centre. The buildings fell into a state of disrepair and No.79 was damaged in a fire in June 1984. The buildings were taken over and repaired by the Kent Preservation Trust in partnership with the Borough Council in the 1980's and a wider effort to reinvigorate the town centre was born out of the ill-fated fire.





The site is currently vacant and has suffered extensive internal damage following the use of the property to cultivate cannabis plants. It had previously been used as offices and a retail unit at the ground floor level.

Design, Impact on the Listed Building and Conservation Area

Section 202 of the National Planning Policy Framework (2023) states that “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.” It is therefore imperative that this application is assessed on the basis of the building in its historic context and as a significant heritage asset and that any previous harm caused to it is not a reason for changes to be made to it.

Paragraph 203 of the NPF states that ‘In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable

uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 200 requires supporting information from the applicant to describe the significance of the building and the contribution (if any) the proposed development would make to the buildings 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. A Heritage Statement has been submitted with the application and surmises that the proposed works would preserve the character of Heritage House and the High Street Conservation Area and also contribute to their enhancement. The public benefits due to securing the future use of this important heritage asset and incorporating improvements to energy efficiency and existing facilities will outweigh the minimal harm identified.

Policy CS20 states that proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough. 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.

Policy TC2 states that any alterations or extensions to listed buildings or affecting the setting of listed buildings will need to be sympathetic in terms of massing, scale, appearance and materials.

Policy TC3 relates to conservation areas and expects development to make a positive contribution to the conservation area. The Council will expect applications to contain sufficient details to enable the impact of the proposal upon the conservation area to be assessed.

The proposal would not just involve a simple change of use but would also result in some structural alterations to these historic buildings mostly relating to the removal of existing partitions and the installation of new partitions. No significant works are planned to the ground floor save for blocking up the staircase at first floor so that the commercial unit remains completely independent to the rooms above. The Heritage Statement says the existing walls on the second floor are modern additions of no special interest and, although the proposed changes will result in a slight change in layout, the impact will be low. All new floors and ceilings are to match the existing and therefore there will be no loss of significant historic fabric.

In the loft area, to facilitate a larger lobby area, an existing partition will be removed; this is a later addition of no special interest. Extraction fans for the kitchen and shower areas will be installed to the rear of the property and a condition is recommended that full details of these are supplied prior to above ground works. The Heritage Statement says that the alterations will result in a change of use and a slight change in planform however they are minor and the key architectural features outlined in the significance section of the heritage statement will be retained. The removal of existing modern walls is unlikely to cause any harm. Reversibility is a key consideration when assessing applications and the works proposed to the partitions are reversible. The Statement concludes by outlining the public benefit of the works, most notably, the re-use of a Grade II* Listed Building that has been vacant for a number of years.

The only external changes are the introduction of extraction vents to the rear. These will require the removal of small pieces of weatherboard. The vents will be black to match the existing weatherboard and will not be readily visible from the street scene. The windows are to be retained and repaired and secondary glazing is to be installed; full details of these will be required by condition.

The existing outbuilding will be reconfigured and a new staircase installed internally to make use of the basement for storage. No changes are proposed to the exterior.

Historic England originally raised concerns that the submitted information lacked important detail regarding the heritage significance and conservation needs of these fine Grade II* listed buildings. They recommended a detailed Heritage Impact Assessment was submitted producing a condition survey as well as a schedule of proposed repair and alterations in order to be sure that the scheme had been conceived to preserve the heritage significance of the buildings, minimise harm and address conservation needs as requested by para. 201 and 205 of the NPPF (2023). The report submitted sets out most of what was required but lacks more detailed information about the location of surviving wall panelling and does not allow for an assessment to be made on the potential harm that the proposed facilities may cause to the significance of the listed building. Positioned within existing rooms, the new partitions and fittings may conceal and affect these important features, which contributes to the historical character of the spaces.

The applicant has also not provided the recommended condition survey and related schedule of proposed repair and alterations and therefore Historic England still have some concerns. The applicant has been made aware of this and a condition is recommended that full details of surviving wall panelling is provided along with details of its protection and also a condition requiring a schedule of works to be submitted and agreed. To avoid duplication these conditions are imposed on the Listed Building Consent application 20230568.

Subject to the imposition of the above conditions it is considered that the proposed development would not result in significant losses of key elements which form part of this listed building and will preserve the character and appearance of the Conservation Area and therefore accords with policies TC2 and TC3 of the Gravesham Local Plan 1994, policy CS20 of the Gravesham Core Strategy 2014 and 16 National Planning Policy Framework (2023).

Impact on Residential Amenity

The NPPF 2023 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land; and avoid adverse environmental impacts.

The amenity of future occupants are also safeguarded in saved Policy H5 (iv) of the Local Plan 1994, which requires that proposals for the conversion of existing properties to HMO use will have regard to the adopted Council's Residential Layout Guidelines. This has been replaced by the Nationally Described Space Standards (NDSS), which set out minimum internal areas for new dwellings based on the level of occupancy, bedroom size and number of storeys. However, these relate more readily to flat conversions than HMOs. The Council has its own adopted guidance on HMO amenity standards, which include minimum room sizes, and this is relevant to the assessment of this proposal.

Internal living space

The Design and Access Statement says that there will be seven bedrooms in the main building and one in the outbuilding and these will provide accommodation for no more than 12 people.

All the rooms meet the HMO minimum room sizes as shown below:

Room:	Size:	Suitable for:
Bedroom 1	9.45sqm	1 person
Bedroom 2	12sqm	1 person
Bedroom 3	13sqm	2 person
Bedroom 4	9.15sqm	1 person
Bedroom 5	9.15sqm	1 person
Bedroom 6	12.7sqm	2 person
Bedroom 7	11.8sqm	2 person
Outbuilding	20.4sqm	2 person

The accommodation is therefore suitable for 12 people.

There is a kitchen of 12sqm on the ground floor and a kitchen of 13sqm on the top floor (together with storerooms and utility rooms). Both kitchens exceed the standards for 7-10 occupants.

Each room has a wash basin and shower which is acceptable.

All facilities should be located in rooms of an adequate size and layout no more than 1 floor distant of any bedroom and accessible from communal areas unless provided as en-suite facilities for the exclusive use of that occupant. The kitchens are located on the first and top floor and therefore meet the standard. The space required for dining within the kitchen is tight, however given there are utility areas where some appliances may be stored and the fact there are two kitchens and that the building is listed and therefore has limitations, on balance, this is considered acceptable.

In terms of sunlight, outlook, daylight and privacy all the habitable rooms will have sufficient amenity. The ground floor kitchen window will be located in front of the outbuilding, however, as this is not a habitable room, no concerns are raised. There are habitable room windows proposed in the outbuilding that may be overlooked however, this is at an oblique angle rather than direct and, on balance, is acceptable.

The existing rear courtyard, if used as an amenity space for the residents of the HMO and outbuilding will have no privacy as there are multiple windows in the rear elevations of both of the adjoining buildings. These buildings have some office spaces within them where staff are likely to be seated in close proximity of the windows with direct views into the amenity space of the occupants of 79-80 High Street. This would fail to provide the residents with high quality amenity and living space. However, as this is a conversion of an existing building and close to public outside space, it is not necessary that private outside amenity space is provided.

Neighbour amenity

The proposed conversion of the building mostly involves internal works that will not result in the loss of amenity for neighbouring buildings which are mainly in commercial use.

The proposals therefore accord with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023 with regards to amenity.

Noise

The applicant was advised to submit a noise assessment prior to submitting an application but has chosen not to. There are a number of noise concerns both from inside the building and activity on the High Street. Neither have been addressed. In order to address this it is recommended that the conditions listed in representation section of this report are imposed on any forthcoming permission relating to noise (internal and external) and Code of Practice on Construction and Demolition.

Waste Collection

The submission does not include any details on waste storage facilities for the occupants of the property and therefore a condition is recommended that this is provided prior to the occupation of any of the rooms.

Ecology and Biodiversity

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km

of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. In the case of HMOs this is payable on the number of additional bedrooms created. In this case it is payable on eight additional bedrooms.

The applicants have paid this contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development accords with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Parking and Highways

This is a town centre location, so no car parking is required, however, to support Active Travel, one secure cycle parking space should be provided per bedroom.

A condition is therefore recommended that full details of cycle storage (at a rate of one per bedroom) shall be provided prior to occupation.

Conclusion

The proposed change of use to a HMO with eight rooms, subject to conditions, will have no detrimental impact on the surrounding area in terms of the use or the character of the listed building and surrounding conservation area, amenities of both future occupiers and neighbouring properties, parking or highway safety and therefore accords with the abovementioned policies and is recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	19 March 2024	Dated:	22 March 2024