
SUMMARY REPORT

Application Ref:	20240928
Site Address:	7 - 9 Queen Street, Gravesend, Kent, DA12 2EQ
Application Description:	Erection of a first and second floor rear extension. Creation of a second floor within the existing roof space and alterations to the roof to create 1 x 1 bed and 1 x 2 bed flat.
Applicant:	Mr Singh
Agent:	Resolute Build
Ward:	Town
Parish:	Non-Parish Area
Decision due date:	28 February 2025
Publicity expiry date:	05 December 2024
Decision Level:	Committee Decision
Reason for referral:	Councillor call-in
Recommendation:	Permission

Summary of Reasons for Recommendations

The proposal is for rear extensions and alterations to the roof to provide two new residential units within the town centre.

The development will have no detrimental impact on the Queen Street Conservation Area, amenity, highway safety or the Thames Estuary RAMSAR site.

All representations received from both 3rd parties and consultees have been taken into account when considering this proposal.

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

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

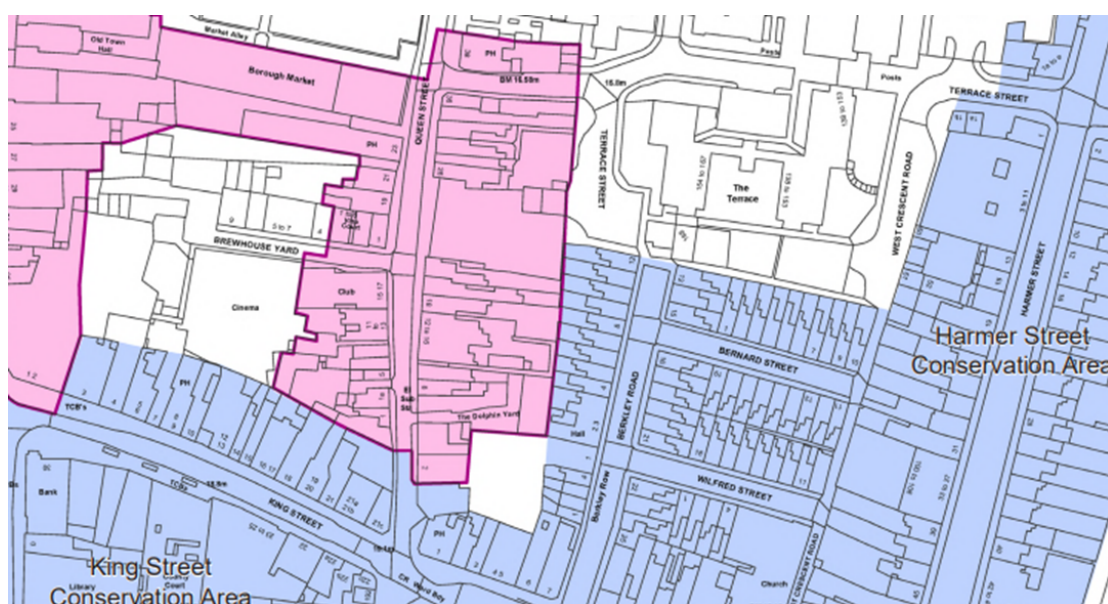
MAIN REPORT

1. Site Description and Surroundings

- 1.1. 7-9 Queen St is a two storey building located on the western side of the street, forming half of a row of 19th century houses. The buildings are in mixed use with a hot-food pizza takeaway and a hair salon fronting the highway and two residential units at first floor level.



- 1.2. The application site is located within the High Street & Queen Street conservation area (designated 17 May 1990). The boundary of the conservation area is shown below:



- 1.3. 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.

2. Planning History

Reference	Description	Decision	Decision Date
20240510	Application for the approval of condition 3 attached to planning permission reference 20210130 relating to a sound insulation assessment shall be carried out.	REFUSED	29.08.2024
20240509	Application for the approval of conditions 4 and 5 attached to planning permission reference 20210130 in relation to details of the ventilation extraction system (4) and full details of the colour finish to the external elements of the	APPROVED	28.08.2024

	extraction flue and its ducting (5).		
20240524	Application for the approval of condition 6 attached to planning permission reference 20210130 in relation to full details of the refuse storage and collection arrangements.	APPROVED	26.07.2024
20210130	Application for change of use of ground floor from retail (Use Class E(a) to hot food-takeaway (sui generis), installation of ventilation/extraction ducting and relocation of external stairs to the rear.	PERMITTED	11.05.2021
19840617	Erection of a two storey extension at the rear in order to provide self containment for the living accommodation at first floor level	PERMITTED	28.09.1984

3. Proposal

- 3.1. This application proposes the erection of an additional storey and first floor rear infill extension to create two additional flats, with the existing flats this would bring the total no. flats up to 4. The roof extension would be a mansard roof extension, which is set-back from the principal elevation and would contain two dormer windows. At the rear the extension would be an overhang first and second floor projection.



- 3.2. The mansard roof extension has been hipped and would be set-back from the front elevation and set-in from the sides, at a height broadly similar height to the existing ridge (approx. 0.35m), with an overall depth of 15.65m. It will connect with a proposed mansard extension to nos. 11-13 Queen St through a recessed link (which forms a separate application - ref. 20240019).

- 3.3. The rear extension would be an overhang projection at first and second storey levels, supported by pillars, standing at an overall height of 8.2m (up to the mansard roof). The extension would have a width of 5.6m and a depth of 5.7m.

4. Planning Policy, Development Plan and other Material Considerations

4.1. Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesham Town Centre Opportunity Area
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

4.2. Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- TC3 – Development Affecting Conservation Areas

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

4.3. National Planning Policy Framework (2024)

- 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 Places
- Section 16 – Conserving and Enhancing the Historic Environment

4.4. Supplementary Planning Guidance

- SPG 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)
- Householder Extensions/Alterations Design Guide (2021)
- High Street & Queen Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)
- Design for Gravesham (2014)

- 4.5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. Consultations and Publicity Responses

External Consultees

- 5.1. Kent County Council Fire Safety – Following my assessment of Fire and Rescue Service emergency access provisions for application number 20240928, I would like to make the following observations.

Upon reviewing the plans available on the Gravesham planning portal, I can confirm that in my opinion that the emergency access requirements under the above act appear to have been met at this stage.

Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

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.

- 5.2. Kent Police Designing Out Crime – No comment received.

Internal Consultees

- 5.3. GBC Environmental Protection (Regulatory Services) –

First Comment (21 November 2024) – There are concerns with this application mainly due to the location of the existing kitchen extract equipment and flue for Tops Pizza. The plans indicate that the equipment (fan, silencer, carbon filters) and flue currently located on the rear external façade of the building will become internal/enclosed by the proposed extension. In addition, it is not clear from the plans at what height the flue is proposed to terminate. The flue currently terminates just above eaves level.

The extract system for Tops Pizza was not designed to be in 'internal system' and noise and vibration was only considered for existing receptors.

We already know that the sound insulation quality of the building is not up to standard (Condition 3 of 20210130 relating to a sound insulation assessment was refused earlier this year).

Based on the above, unless it can be satisfactorily demonstrated (by way of a noise and vibration impact assessment) that the existing kitchen extract system and flue can continue to be operated without any detrimental impact to the proposed flats, there will be no alternative but to recommend refusal of this application.

In addition, by enclosing the system, there will be no access for maintenance or servicing which will be not acceptable. This will also need to be satisfactorily addressed.

Second Comment (20 February 2025) –

Further to the revised plans that have been submitted showing the location of the flues externally, this does somewhat overcome the problem of access to the flues for maintenance, cleaning etc which would be impossible if they were completely internally located as originally planned. However, as the flues are going to still be ducted internally at point through the flats, there are still a few concerns with this set up:

- The additional bends in and length of duct work could be detrimental to the discharge velocity of the flues. This could result in odour problems or mechanical issues with the operation of the fan if it's put under too much pressure (eg: working a full speed all the time). To address this, a new/more powerful fan may need to be installed in on/both of the food premises. A competent engineer should be able to check the proposed set up and demonstrate that discharge velocities are acceptable.
- The ducting for 11-13 is to pass through either the existing ground floor rear flat or the new flat on the 1st floor. The Noise Impact Assessment highlighted problems of vibration/re-radiated noise associated with the fan and ductwork in the bedrooms of both properties. With the duct works still running internally, this could still be an issue.

We can address this by conditions relating to the extract systems of both properties. I understand that the ownership of the entire buildings falls to the same person/organisation so in that respect, it should not be an issue.

The Noise Impact Assessment has also highlighted that internal noise levels in accordance with BS8233:2014 can only be achieved with double glazing and windows kept shut in all habitable rooms. The report recommends either acoustic trickle vents or mechanical ventilation (MVHR) to address this. Specifications are provided in the report.

The following conditions are recommended for both applications:

Internal noise:

Prior to the first occupation of the flats, 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, adjacent party wall partitions and the partition between the commercial on the ground floor and the flat above.

The sound insulation performance of partitions between the floors of the flat and any adjacent residential property 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.

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

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation

assessment report) for approval by the Local Authority prior to first occupation. Overheating and ventilation must also be considered in the design of any mitigation.

Kitchen extract, ductwork and flue:

Prior to any works commencing on site to alter the location of the ductwork and flue, the applicant shall submit a report in writing to the Local Planning Authority undertaken by a competent ventilation engineer to ensure that the existing extraction system is still installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Details should include:

- (a) Plans and details of all duct work (internal and external) and equipment.
- (b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
- (c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
- (d) Details, including manufacturer's specification/data sheets of the fan.
- (e) Minimum discharge velocities
- (f) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
- (g) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- (h) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.

Post completion noise testing – kitchen extract system/ductwork

Once the approved alterations to the ductwork/kitchen extract have been made, a post completion noise assessment must be undertaken to demonstrate that noise and vibration from the extract system plant and equipment including extract ventilation when operating at its maximum speed and output shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90,15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance etc.

Where the local authority's noise criteria has not been met further noise mitigation shall be implemented. further noise mitigation shall be implemented.

The final noise mitigation scheme shall be operated and maintained thereafter.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Noise mitigation measures

The noise mitigation measures as detailed in the 'Environmental Noise Survey and Noise Impact Assessment Report' dated 6 February 2025 by Hann Tucker (Report Ref: 32146/NIA1) shall be implemented by competent persons to ensure that internal noise levels do not exceed the guideline values in BS8233:2014 Table 4:

- (a) 07:00 to 23:00
 - Resting - Living room 35 dB LAeq,16hour

- Dining - Dining room/area 40 dB LAeq, 16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq, 16hour

(b) 23:00 to 07:00

- Sleeping/Night-time Bedroom 30 dB LAeq, 8hour

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

5.4. GBC Conservation – I've looked through the drawings, which appear to follow the previously discussed scheme. I therefore have no adverse comments in this respect.

Regarding the external extractor flues, I concur with you that these should be acid etched and painted black.

Please ensure conditions secure the external materials and details for the dormers and windows to the front at a scale of 1/10 and ½ or full size.

5.5. GBC Waste – I have reviewed the attached planning application.

I am happy with the location and space for the bins which I presume relates to waste generated by the domestic properties. The bins will need to be supplied by the property owner.

However I would interested to understand where the waste generated by the commercial properties is stored as this must be kept separate from the domestic flats.

5.6. Local Ward Councillors – We have concerns about the ally way entrance to the new flats. If you are minded to approve this application we would like to call it into the committee.

Publicity and Neighbours

5.7. Publication and Neighbour Consultation

An advert was published in the Gravesend Messenger and a notice displayed on site 07 November 2024.

In addition, twenty-four surrounding properties were consulted and no representations were received. The consultation period expired 05 December 2024.

6. Planning Analysis and Head of Planning Comments

Principle of Development

- 6.1. The site is located within the urban boundary of Gravesend. Policy CS02 (Scale and Distribution of Development), identifies first tier settlements, including Gravesend as the most sustainable parts of the borough.
- 6.2. The application site is within the Town Centre Opportunity Area (Policy CS05) and Gravesend's Primary Shopping Area (Policy CS08) which state that in these areas the council will support the provision of new residential development where a satisfactory living environment can be achieved and seek to retain and develop the Town Centre as a multi-functional heritage riverside town.
- 6.3. In addition, the site is located in Queen Street Conservation Area. As such, a key consideration in this application will be whether the proposal would preserve or enhance the character and appearance of the Queen Street Conservation Area.
- 6.4. The principle considerations in the assessment of this application are:
 - Housing Need
 - Density of Development
 - Design and Impact on Conservation Area
 - Amenity of Future Occupiers
 - Neighbouring Amenity
 - Parking and Highways
 - Any Other Material Planning Considerations

Housing Need

- 6.5. 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 (NPPF) (2024) 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 (2024) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

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

- 6.6. 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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years. More recent data collated on the Borough's housing completions and supply, also indicates that the Borough's housing land supply position continues to be challenging, and that the Council cannot demonstrate a 5-year land

supply.

- 6.7. 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 NPPF (2024). This requires that in regard to housing development, planning permission should be granted unless:
1. 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
 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.8. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2024) at footnote 7 (rather than those in development plans) relating to any of the following:
- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
 - Land designated as Green Belt, Local Green Space, a National Landscape, 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 75);
 - and areas at risk of flooding or coastal change.
- 6.9. In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.
- 6.10. The proposed development for a net increase of '2' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded significant weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Density of Development

- 6.11. 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.
- 6.12. 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.

- 6.13. Based on the proposal, the density of the development would be circa 320 dwelling units per hectare thus over the target minimum density. This density per hectare could be considered to be overdevelopment of the site, however the proposed development must be considered in context and not be out of character with the surrounding area, there are other issues that also need to be considered such as design and amenity. The site is also within a town centre location and therefore density calculations would be expected to show higher density, than 40 dwellings per hectare, this is recognised in Policy CS15 (LPCS) which states, "*in suitable locations close to the transport hubs of Gravesend Town Centre and Ebbsfleet, higher densities will be sought.*"

Design and Impact on the Conservation Area

- 6.14. Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF (2024) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.
- 6.15. The NPPF (2024) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 219). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan First Review (LPFR) (1994) sets out that for development affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building, and whether the character or appearance of the listed building will suffer as a result. Proposals must be sympathetic in terms of their appearance and materials.
- 6.16. Saved Policy TC3 (LPFR) also states that development is expected to make a positive contribution to the conservation area. As the application site lies within the Queen Street Conservation Area, in close proximity to Listed Buildings, these policies are all relevant to the consideration of this application.
- 6.17. Whilst it is recognised that development which makes effective use of land should be supported (paragraph 124 of the NPPF (2024)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2024). Relevant to this proposal, paragraph 135 of the NPPF (2024) which states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.
- 6.18. From a historic building/conservation point of view, the application site forms half of a row of 19th century housing which are relatively unaltered historic buildings, referred to in the Queen Street conservation area appraisal as 'key unlisted buildings'. The existing building makes a positive contribution to the conservation area by virtue of its unaltered state and any upward extension would result in a loss of association with the adjacent lower level buildings at nos. 7-13. This application will increase the height of the building, through the mansard roof design, which will be mirrored by the proposed extension to nos. 11-13 (ref. 20240019). The roof alteration, by virtue of its subordination, minor height increase and connection to the proposed extension at nos. 11-13, would have no significant impact on the character and appearance of the Conservation Area. Moreover, it would still be perceived as low level from vantage points from the southern end of Queen Street, in accordance with the stated contribution of the buildings within the Conservation Area

appraisal.

- 6.19. The rear extension proposed would not be visible from any public vantage point and would not have any impact on the setting of the Conservation Area. The proposal is considered to be proportionate to the scale of the main building and well designed.
- 6.20. The proposal would alter the existing buildings by way of alterations and/or extensions and compared to the existing situation there would be some limited harm caused to the buildings as they would not remain exactly as they are currently. However, it is considered that the level of harm on the historic environment would be very minor and therefore that harm would be less than substantial. In such circumstances the NPPF (2024) at paragraph 215 advises that the harm is to be weighed against the public benefits of a proposal including where appropriate, securing its optimum viable use. In this case the proposal would retain the commercial ground floor uses on Queen Street and create two additional residential units. As such, the proposal would deliver economic benefits from the construction and occupation of the development, whilst retaining the commercial uses. This is addition to the public benefit of delivering much needed housing in the Borough, which will contribute towards meeting the Borough's unmet housing needs, as well as making a viable use of the site.
- 6.21. Gravesham's Conservation Officer has reviewed the proposal and confirmed that the mansard roof being returned on the sides and set-back from the front elevation reduces its prominence. Furthermore, the connection to the proposed extension at nos. 11-13 provide continuity and retain a lower level of height to other buildings on Queen Street. No objection is raised subject to conditions securing additional details such as materials and joinery, and the painting of the ducting black to minimise impact and visibility.
- 6.22. In respect of design, character and heritage it is therefore considered, subject to conditions, that the proposal in its revised form would not be out of keeping with the scale and character of the immediate locality and the wider townscape of Gravesend. It would not have an adverse impact on the street scene or the setting of Listed Buildings and would preserve the character and appearance of the Queen Street Conservation Area. In this respect the proposal would be compliant with Policies CS19 and CS20 (LPCS) and saved Policies TC2 and TC3 (LPFR) and Sections 12 and 16 of the NPPF (2024).

Amenity of Future Occupiers

- 6.23. Policy CS19 (LPCS) 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' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.
- 6.24. The flats within the proposal are a mixed in terms of size. The national housing standard guidance provides minimum gross floor areas for single storey dwellings, breaking down the number of bedrooms and bed spaces (persons). These figures have been compared to the proposed units and are shown in the tables below:

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (first / second floors)	1 (1 person)	37m ²	43.2m ²
2 (second floor)	2 (3 person)	61m ²	67.7m ²

Table 1 - Unit Floor Area Breakdown (GIA)

- 6.25. As shown in Table 1, if the flats are assessed at maximum capacity and all units comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation and safeguard the amenity of future occupiers.
- 6.26. Notwithstanding the National Space Standards, Gravesham's RLG breaks down the Council's individual requirements for certain rooms, these have been formulated into a table to compare with the floor area of rooms within the proposed flats.

	Gravesham RLG (2020)	Flat 1 (ground floor)	Flat 2 (first floor)
Kitchen/Living/ Diner	25.2m ²	21m ²	26.5m ²
Bedroom (double)	11.5m ²		12.8m ²
Bedroom (single)	7.5m ²	18.3m ²	15m ²
Bathroom & w.c.	3.5m ²	3.8m ²	3.8m ²

Table 2 - Flat Floor Area Breakdown

- 6.27. Table 2 has been colour coded (green complies, red fails) to show which rooms within each flat meet the guidance within the RLG. The table demonstrates that all rooms within the new flats comply with the minimum floor area, with the exception of Flat 1's open plan kitchen/living/diner. This is not considered to have any significant impact on amenity, as on balance the floor space of the single bedroom on the split level exceeds the floor area requirement and would be suitable for single person occupancy. Therefore, the proposed flats are deemed to provide adequate living environments.
- 6.28. In terms of external space, the shared garden will have an approximate area with a depth of 15m. This area is large and would provide a good sized amenity space for future occupiers of the building. Moreover, the site is within close proximity to the Riverside leisure area and Gravesend promenade, which offers additional green open space for future occupiers of this development.
- 6.29. The habitable rooms will receive adequate levels of natural light from windows and will have acceptable privacy.
- 6.30. The new dwellings will be accessed through the shared alleyway running adjacent to the building, which has a width of approx. 1.016m (wall to wall). It is noted that Members of the Planning Committee previously raised concerns in relation to the alleyway as the

access was considered to be unsafe and not suitable for residential accommodation. Kent Police were consulted, however no response was received. Nevertheless, the access is shown to be improved through the removal of utilities, a new secure entrance gate, resurfacing and lighting, which will all be secured through planning conditions. It should also be noted that the access and fire safety were considered by Kent Fire and Rescue with no objection raised.

- 6.31. The new dwellings are within a mixed-use building with commercial units on the ground floor, including a hot-food takeaway (Tops Pizza), and therefore noise and odour impacts are key considerations. The supporting noise impact assessment and relocation of the flues have been reviewed by Gravesham's Environment Protection Officers, who have a few concerns regarding discharge velocity of fumes/odours and vibration/re-radiated noise but have confirmed that the imposition of conditions can address these concerns. These conditions include the following:
- Internal noise
 - Kitchen extract, ductwork and flue
 - Post-completion noise testing (kitchen extract system and ductwork)
 - Noise mitigation measures
- 6.32. Subject to resolution of Planning Committee, subsequent applications would address details required for the above conditions being submitted to and approved in writing by the Local Planning Authority. In summary, subject to conditions, Gravesham's Environmental Protection officers are satisfied that future occupier amenity can be safeguarded.
- 6.33. The dwellings proposed are not a cramped form of development in terms of amenity, they will provide acceptable living conditions for future occupiers, have good access to local amenity spaces in addition to the areas provided on site, and each unit will receive good levels of natural lighting and ventilation. In addition, improvements to the access will be secured through planning conditions to create a safer and more welcoming entrance for future occupiers. As such, subject to conditions, the development is considered to safeguard the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Neighbouring Amenity

- 6.34. Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2024) 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".
- 6.35. The proposed development is not considered to impact the amenity of any adjoining property. Although extending the building upwards and increasing the height to the rear, given the compact nature of built form in the area and no flank windows on the neighbouring properties, it would not result in any loss of light, privacy or sense of enclosure or outlook. There are no flank windows on either of the adjoining properties that would be affected.
- 6.36. As such, the proposed development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

- 6.37. The site is in a sustainable 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. There are no parking spaces available on site, which is considered acceptable given the sustainable location of the property.

- 6.38. Gravesham's adopted parking standards (SPG 4) (2006) seeks to ensure that adequate secure cycle storage is provided in developments, with a recommendation of 1 space per bedroom/flat unit. In this case the plans show adequate cycle parking for the residential flats, with additional spaces available for the commercial units. Therefore, proposal is in accordance with paragraphs 111 to 114 of the NPPF (2024), saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 (LPCS), subject to a condition requiring the cycle parking to be provided prior to occupation of the new dwellings.

Any Other Material Planning Considerations

Refuse

- 6.39. Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.
- 6.40. The submitted plans show dedicated bin stores within the rear garden area, separated for the commercial units and residential flats, as per the request of GBC Waste. The rear of the site is accessed by an alleyway which is used to access the upper floors of the building and is where the existing service area / bin store is located for the shop units on the ground floor. Therefore, it is considered to be an appropriate location for a refuse area for the new flat units provided as part of this development.
- 6.41. Notwithstanding the details provided, a condition will be attached to the decision requiring details of the refuse areas and stores, as well as their collection strategy are submitted and approved in writing by the Local Planning Authority.

Ecology and Biodiversity (Bird Mitigation)

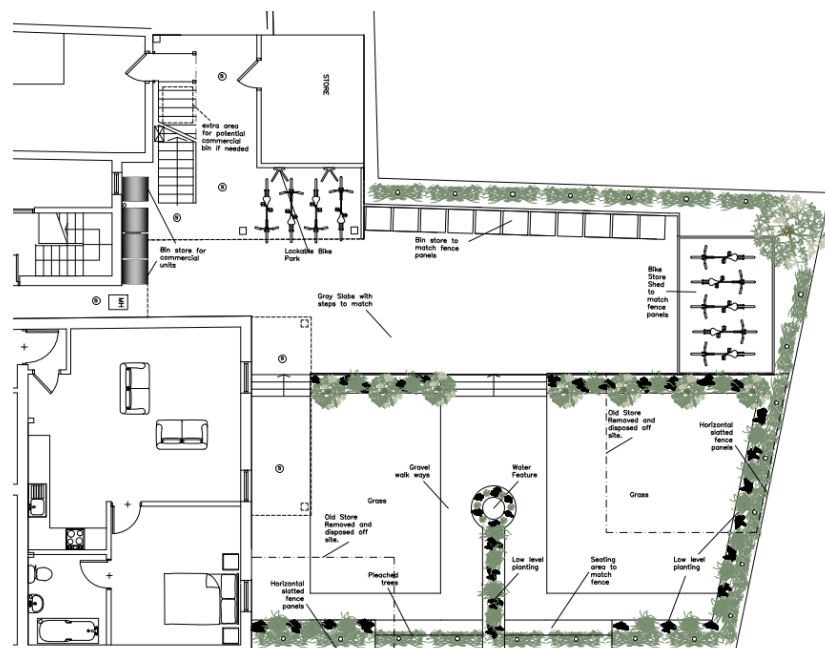
- 6.42. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every 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.
- 6.43. In this instance, the proposed development would result in the creation of an additional residential properties and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS).

In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £328.27 per new dwelling unit.

- 6.44. The applicant has paid the SAMMS Mitigation Contribution Agreement and therefore has met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 193) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

On Site Biodiversity

- 6.45. The application has been supported by a landscaping strategy and includes significant improvements to the existing rear garden area (as shown in the excerpt below)



- 6.46. The existing rear area is formed of concrete and used for storage, offering no biodiversity opportunity. The proposed landscaping will include native planting and provide a net-gain in biodiversity opportunity above existing levels. The implementation of the landscaping will be secured by planning condition to ensure compliance with the biodiversity net gain requirement of Section 15 of the NPPF (2024) is achieved and that a good quality private amenity space is provided for future occupiers.

7. Equalities Considerations

- 7.1. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;

- foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 7.5. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 7.6. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 7.7. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8. Human Rights Implications

- 8.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property

- 8.2. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.
- 8.3. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9. Conclusion

- 9.1. It is recommended that the proposed construction of an additional floor and infill rear extension is GRANTED planning permission, subject to conditions.
- 9.2. The development will provide two new residential units within a sustainable town centre location. The extensions preserve the character of the Queen Street Conservation Area by extending to the rear and utilising a mansard roof form which is set-back from the front elevation to reduce prominence and retain continuity of lower height buildings along the southern side of Queen Street.
- 9.3. The proposed scheme will safeguard future occupier amenity with the residential units complying with local and national standards, shared private amenity space, an improved access and sufficient natural light. Furthermore, the proposal would safeguard the amenity of neighbouring properties and is in accordance with Policy CS19 of the Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).
- 9.4. The proposal would provide cycle parking, adequate bin storage and biodiversity enhancement for future occupiers of the commercial and residential units through planning conditions and is in accordance with Policies CS11, CS12 and CS19 of the Local Plan Core Strategy (2014).
- 9.5. The proposed development would not result in any increased adverse impact on migrating birds using the Thames Estuary and Ramsar sites with the mitigation SAMMS payment being made. The development would therefore comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 192 and 193) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).
- 9.6. Overall, the proposal complies with all relevant national and local planning policies, and it is recommended that planning permission is granted, subject to conditions listed below.

Recommendation

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

Conditions and Informatives

Suggested Conditions

Standard

Time Limit

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

- Application Form – dated 10 October 2024;
- Heritage Impact and Design Statement – dated 08 October 2024;
- Supplementary Information – Environmental Noise Survey and Noise Impact Assessment Report by Hann Tucker Associates (dated 06 February 2025);
- Supplementary Information – Soft Landscaping Schedule
- Supplementary Information – Soft Landscaping Designs/Pictures
- Ordnance Survey Site Location Plan (scale – 1:1250);
- Drawing no. 826-02 – Rev. B – Landscaping Plan;
- Drawing no. 826-07 – Rev. B – Fire Assembly Plan;
- Drawing no. 826-09 – Rev. C – Proposed Ground and First Floor Plans;
- Drawing no. 826-010 – Rev. D – Proposed Second Floor and Roof Plans;
- Drawing no. 826-011 – Rev. B – Proposed Elevations;
- Drawing no. 826-012 – Rev. A – Existing Elevations;
- Drawing no. 826-14 – Rev. A – Existing Site Plan (scale – 1:500);
- Drawing no. 826-15 – Rev. A – Existing Roof Plan;
- Drawing no. 826-16 – Rev. A – Existing Ground and First Floor Plans;
- Drawing no. 826-17 – Rev. A – Proposed Site Plan (scale – 1:500).

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

Prior to commencement

Kitchen extraction, ductwork and flue

3. Prior to any works commencing on site to alter the location of the ductwork and flue, the applicant shall submit a report in writing to the Local Planning Authority undertaken by a competent ventilation engineer to ensure that the existing extraction system is still installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Details should include:
 - (a) Plans and details of all duct work (internal and external) and equipment.
 - (b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
 - (c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.

- (d) Details, including manufacturer's specification/data sheets of the fan.
- (e) Minimum discharge velocities
- (f) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
- (g) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- (h) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.

Reason: In order to ensure acceptable living conditions for the future residents and in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Prior to above ground works

Materials

4. Prior to above ground works commencing, details and samples of all materials and finishes to be used in the external faces of the building (bricks, tiles, rainwater goods, windows and doors) have been submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visually attractive development which preserves and enhances the Conservation Area in accordance with Saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).

Window Joinery Details

5. Prior to the installation of the windows(s) on 'Drawing no. 826-05 – Rev. B', drawings to a scale of 1:10 and joinery details at a scale of 1:2 or full size shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994).

Prior to occupation

Internal Noise

6. Prior to the first occupation of the flats, 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, adjacent party wall partitions and the partition between the commercial on the ground floor and the flat above.

The sound insulation performance of partitions between the floors of the flat and any adjacent residential property 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.

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

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

Reason: In order to ensure acceptable living conditions for the future residents and in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Post-Completion Noise Testing (Kitchen extract system and ductwork)

7. Prior to occupation of any of the development, following the approved alterations to the ductwork/kitchen extract have been made (condition 3), a post completion noise assessment must be undertaken to demonstrate that noise and vibration from the extract system plant and equipment including extract ventilation when operating at its maximum speed and output shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90, 15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance etc.

Where the local authority's noise criteria has not been met further noise mitigation shall be implemented. further noise mitigation shall be implemented.

The final noise mitigation scheme shall be operated and maintained thereafter.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Noise Mitigation Measures

8. Prior to first occupation of any of the development, the noise mitigation measures as detailed in the 'Environmental Noise Survey and Noise Impact Assessment Report' dated 6 February 2025 by Hann Tucker (Report Ref: 32146/NIA1) shall be implemented by competent persons to ensure that internal noise levels do not exceed the guideline values in BS8233:2014 Table 4:
 - (a) 07:00 to 23:00
 - Resting - Living room 35 dB LAeq,16hour
 - Dining - Dining room/area 40 dB LAeq,16hour
 - Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour
 - (b) 23:00 to 07:00
 - Sleeping/Night-time Bedroom 30 dB LAeq,8hour

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Soft landscaping

9. Prior to first occupation of any of the development the proposed soft landscaping shall be implemented in accordance with the approved details, and the proposed landscaping scheme shall be fully implemented within one year of first occupation of the building. The soft landscaping shall thereafter be maintained for a period of not less than five years and any trees, shrubs or grassed areas which die, are diseased or vandalised within this period shall be replaced within the next planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Hard landscaping

10. Prior to first occupation of any of the development details of the proposed hard landscaping to include the proposed surface and boundary treatments and security gates, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to first occupation of the development and thereafter retained in good order during the lifetime of the development.

Reason: To maintain the character and appearance of the site and to ensure a satisfactory visual relationship between the existing and new development in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Lighting

11. Prior to first occupation of any of the development a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating a lit and safe access for residential units. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In order to ensure acceptable living conditions for the future residents and in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Bicycle Storage Details

12. Prior to the first occupation of the development, the approved cycle stores shall be provided and thereafter be retained for such purposes at all times. Thereafter no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), shall be carried out that would preclude the use of these buildings for their intended purpose.

Reason: In order to encourage options for sustainable travel in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and saved Policy P3 of the Gravesham Local Plan First Review (1994).

Refuse Storage Details

13. Prior to the first occupation of the development the approved refuse stores shall be provided and thereafter be retained for such purposes at all times. Thereafter no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), shall be carried out that would preclude the use of these buildings for their intended purpose.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Ongoing Conditions

Obscure Windows

14. Any window serving a bathroom/wc/ensuite must be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) only at all times.

Reason: To prevent undue overlooking of the adjoining residential property in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Flues

15. Notwithstanding the details included on the application form and approved plans, the external flues shall be black metal or painted black and retained as such at all times.

Reason: To preserve the character and appearance of the Conservation Area in accordance with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).

Informatives

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of

conditions 3 (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing.

3 *AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION*

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 25 February 2025 to the inclusion of the pre-commencement condition 3.

4 *DEVIATION FROM APPROVED PLANS*

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

5 *BUILDING REGULATIONS AND PARTY WALL ACT*

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

6 *NAMING & NUMBERING*

As a result of the proposal, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered. The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

7 *CODE OF PRACTICE FOR CONSTRUCTION/DEMOLITION SITES WITHIN THE BOROUGH OF GRAVESHAM*

This Code of Practice relates to all building sites in Gravesham and is given to ensure best practice is achieved equally throughout the borough. All aspects of the code apply to every building site and will only be altered on an individual basis if there are found to be special circumstances on that particular site. Any amendment made will be in writing by an authorised officer of the Environmental Health Department. The following circumstances are given where consideration will be given to a variation in the Code of Practice:-

- a) Where occupiers of noise sensitive properties are unlikely to be affected by the works.
- b) Where the work cannot be carried out during the hours specified because of the requirements of another authority such as the emergency services, utilities, traffic management authorities etc.
- c) Where the site location is isolated or where the works are in a mainly commercial/industrial area with few residential properties.

In all the above cases the onus will be on the applicants to provide written justification as to why the code should be varied. When making such a statement the applicant must include the following information where appropriate:-

- i) Location, nature and duration of works.
- ii) Measured/predicted noise levels and background levels.
- iii) Measured/predicted vibration levels.
- iv) Proximity and numbers of residential properties.
- v) Evidence of public consultation/information to persons likely to be affected.
- vi) Written evidence from the appropriate authority (in instances where b) above applies).

In order for adequate consideration to be given by this Council to a request for deviation from the Code of Practice, any proposal must be provided in writing to the Environmental Health Services Manager at least fifteen working days prior to the works starting.

On developments where construction/demolition is undertaken on contaminated land, work will be required to be carried out in a way which will be specified within conditions of the site's planning approval.

The requirements of this Code of Practice should prevent unnecessary disturbance to nearby residents. In the event of a nuisance being caused due to work not being carried out in an appropriate way, the council may take enforcement action to resolve the situation.

Please note compliance with Health and Safety requirements arising from construction/ demolition work shall be given priority over this Code of Practice.

BURNING OF MATERIAL

It is expected that no burning of materials shall take place on a construction or demolition site. Where the contractor is of the opinion that this is unavoidable he shall make representations to the council for consideration. No burning will be allowed to take place without written authority from a suitably authorised officer of the council. Any burning so authorised will be subject to strict controls which will include, amongst other matters, the following:-

- A strict control on the amount of material burnt at any one time.
- Burning is carried out under the direct and continuous supervision of the person responsible for the site or a person authorised to act on his behalf.
- All material shall be kept dry prior to being burnt.
- The wind shall be positively blowing away from nearby residential or other sensitive buildings. Where this is not possible burning shall take place in still weather.

NOISE AND VIBRATION

Where sensitive premises are likely to be affected by noise and/or vibration, all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the council, shall be carried out only between the following hours (these to be known as normal working hours) : -

Monday - Friday 08:00 - 18:00

Saturdays 08:00 - 13:00

Sunday and Bank Holidays. No works audible at the site boundary or any other place agreed by the council.

In addition to the above times the contractor may use up to one hour before and up to one hour after normal working hours for start up and close down of activities. Examples of these activities would be:

- a) Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- b) Refuelling of plant and machinery (from on-site storage facilities only).
- c) Deliveries and unloading.
- d) Site inspections and safety checks, but excluding any works necessary to make the working zone and/or construction site safe (which are to be undertaken within normal working hours).
- e) Arrival and departure of workforce and staff at the construction site, but only in so far as the arrival and departure times provide for the minimum time necessary to undertake the tasks allowed by these start up/close down activities.
- f) Site meetings.
- g) Site clean up.

NB The start up and close down periods are not to be regarded as an extension to the normal working day.

Where the site boundary/entrance is located adjacent to noise sensitive areas it must be ensured as far as possible that vehicles do not arrive on site outside the times laid out above. Where this is found not to be possible, drivers of vehicles arriving at the site before it is open must not leave the vehicle's engine running or cause other excessive noise/pollution whilst they are waiting.

On the site itself, best practicable means as defined in section 72 of the Control of Pollution Act 1974 to reduce noise to a minimum shall be employed at all times.

Compliance with BS5228 Part 1:1997 'Noise control on Construction & Open sites' is expected as a minimum standard. This requires amongst other things that all plant and machinery in use shall be properly silenced, maintained and used in accordance with the manufacturer's instructions.

Criteria and procedures for vibration control are assessed using different parameters as follows:

- * Vibration Dose Values (VDVs) are used to protect the occupants and users of buildings from disturbance. (VDVs are defined in BS 6841 and their application is discussed in BS 6472).
- * Peak Component Particle Velocity is used to protect buildings from risk of physical damage. These are assessed in accordance with BS 7385.

Best Practicable means shall be used to control vibration levels so that the following Vibration Dose Values measured on a normally loaded floor in accordance with BS 6472:1994 are not routinely exceeded as a result of works.

Building Type	Period	VDV (ms-1.75)
Residential Buildings, Educational Establishments, Offices and similar	Normal working hours	0.4
Commercial	Normal working hours	0.8

Best Practicable Means shall be used to control Peak Component Particle Velocity measured at the base of any building in accordance with BS 7385 does not routinely exceed a level of 10 mm/s.

In instances where complaints of vibration are received within any adjacent property then the contractor shall immediately take all measures necessary to demonstrate that the vibration levels are below the limits shown in the paragraphs above.

Where the results of any monitoring indicate non-compliance with the limits stated above, the contractor shall immediately change the method of working, and/or the plant being used. Prior to the work recommencing, the contractor shall satisfactorily demonstrate that the new arrangements satisfy the vibration limits.

DUST

Dust suppression techniques shall be used on site where significant quantities of spoil or fine aggregates are stored and/or where the site location is such that it is likely persons living in residential properties are going to be affected by wind blown dust.

Spoil temporarily placed on site shall be located as far away from sensitive properties as possible. The height of stored material shall be kept as low as is practical and water sprayed onto the surface of the piles shall be used as appropriate to keep the surface damp.

Where longer term storage of fine aggregates and other potentially dusty material is necessary, suitable storage facilities shall be used where practicable in order to screen these materials from the wind. This stored material shall be located so that it is as far away from sensitive properties as possible and measures to prevent wind blown dust shall be adopted. These shall include:-

- * keeping the height of stock piles as low as possible,
- * using water sprays as appropriate whilst minimising the production of excessive runoff,
- * minimising the re handling of dry construction materials and spoil,
- * keeping the loading drop heights to as low as possible,
- * where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities.
- * all materials transported to and from the site shall be conveyed by suitable vehicles in enclosed containers or using other adequate wind shielding measures such as sheeting.

The person responsible for the site shall keep on site a daily log book which will be available to visiting authorised officers and shall list the following:-

- * the conditions on site,
- * whether any wind blown dust was visibly coming off the site,
- * what control measures were carried out, and
- * what the results of these were.

COMMUNICATION

It shall be a matter of priority for a contact name and telephone number to be set up in order to enable ready two-way communication and contact with the council and local residents. In cases where work likely to cause a disturbance is to be carried on out of normal working hours, the phone line would be manned whilst the work is ongoing.

LIGHTING

Where security and/or site lighting is used, this shall be located and directed or screened so that it does not cause undue intrusion to adjacent occupied residential properties, or sensitive areas, or constitute a road hazard, and shall be chosen to limit light pollution effects such as "glow in the sky".