



Delegated Report

Planning Application

Planning Application No: 20240002

Location: 5 Barrack Row Gravesend Kent DA11 0RT

Description: Retention of the conversion of the first floor storage area into a 6 person HMO (sui generis).

Applicant: Mr Simon Street

Site Visit Date: 29 February 2024

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. 01 Existing and proposed layout;
Drawing no. 02 Existing and proposed elevations;
Drawing no. 03 Site location plan; and
Drawing no. 05 Existing and proposed block plan.

Procedural issues

At the site visit the applicant indicated that a refuse storage area could be located in the rear courtyard. However, it is noted that the red line site boundary for the application site only includes the application building, with no land at the rear. It should be noted that, if there was not an 'in principle objection' to the proposal, then the applicant would have been asked to clarify the extent of the land in his ownership and to provide further details of any proposed refuse arrangements.

The proposed development includes works on the ground floor of the application property and drawing no. 01 (existing and proposed layout) illustrates parts of the building that are not part of the proposal. As such, if there was not an 'in principle objection' to the proposal, then the applicant would have been asked to clarify the extent of the proposed development on drawing no. 01.

Relevant Planning History

Reference	Description	Decision	Decision Date
20120757	Construction of a first floor level incorporating the erection of a two storey rear extension to provide enlarged retail area and staff toilet accommodation at ground floor level with ancillary storage at first floor level.	Permitted	05.11.2012
20080631	Retention of the storage shed at the rear.	Permitted	27.08.2008
19970866	Installation of two new shopfronts.	Permitted	04.02.1998
19880230	Siting of a TV satellite dish antenna on the roof.	Permitted	08.06.1988

19860759	Continued use as a betting office and alterations to the ground floor front elevation	Permitted	21.01.1987
19860758	Display of an internally illuminated fascia box sign	Consent granted	08.01.1987
19770258	Continued use of premises as betting office	Permitted	18.05.1977

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
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings
- T1 – Impact of development on Highway Network

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 5 – Delivering a Sufficient Supply of Homes
- Section 7 – Ensuring the vitality of town centres
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-designed and Beautiful Places
- Section 15 – Conserving and Enhancing the Natural Environment

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)
- Householder Extensions/Alterations Design Guide (2021)
- Guidance for HMO Amenity Standards (2023)

Consultations, Publicity and Representations

GBC Highways Officer

I have no objections; this is a town centre location with easy access to buses and trains. However, the applicant should provide one secure cycle parking space per bedroom, treating each bedroom as the equivalent of a flat within car parking standard guidance.

GBC Environmental Protection Team (Regulatory Services)

The property is situated entirely within the A226 One Way System Air Quality Management Area declared for exceedances of the annual Air Quality Objective for nitrogen dioxide. In addition, the road in front can be heavily trafficked with vehicles accessing the station car park and also bus and taxi parking areas both in front and opposite the proposed HMO's. There are also other noise sources in the area including kitchen extract ventilation, air conditioning units, and other plant and equipment associated with the commercial uses surrounding the premises.

In addition, there is no information regarding the sound insulation quality of the ceiling/floor partition between the existing commercial units and the proposed HMOs above. This will need to be investigated in order to ensure that any internal transmission of noise from the commercial units does not impact on the HMOs.

Mitigation works are likely to be required to be carried out to the building in order to address the poor air quality and noise impacts and to protect the amenity and health and well-being of future occupants. As these works could be quite comprehensive and may not even be achievable, this application cannot be supported based on the information submitted so far and it is recommended that in the absence of this information, that the application is refused.

In order to be able to consider any future application more fully, a Noise Impact Assessment will need to be undertaken and submitted prior to determination. This will need to consider the impact of traffic noise, noise from the nearby railway and also other existing commercial noise sources in the vicinity around the site on future occupants. Mitigation measures (as appropriate) will be required to ensure that internal noise levels are in accordance with BS8223:2014.

The quality and the standard of the sound insulation properties of the building should also be considered in the noise assessment to ensure that future residents are not impacted by internal noise between the HMO units and also from the commercial use on the ground floor. The assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use and internal partitions between flats. This should resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

Overheating and ventilation must be considered in the design of any mitigation and noise from any mechanical ventilation systems (if required as a mitigation measure for air quality - see below), should be included.

With regards to Air Quality, the proposal will introduce new sensitive receptors into an area recognised as having poor air quality. In this respect, air quality is considered to be a material planning concern and measures need to be investigated and put into place to ensure that there is no detrimental impact on future occupiers of the HMOs. Although an Air Quality Assessment will not be required (as we are already aware of the poor air quality in this area), mitigation to address this will be required.

It is advised that all the HMO units fronting the A226, have upgraded and sealed windows so as to prevent pollution from entering the residential units. A Mechanical Ventilation and Heat Recovery (MVHR) system should be installed to the HMOs as a means of alternative ventilation and cooling to having windows open. This will also provide the occupants with a means to shutting out noise from traffic etc.

The MVHR system(s) should positively pressurise all relevant residential units i.e. brings in more air than it extracts so that no air seeps into the residential unit through the fabric of the building or doors when people are entering and leaving etc. The scheme must cover:

- a heat exchange unit,
- noise attenuation
- must bring in air from the upper most and furthest point away from the source of pollution i.e. the traffic on Milton Road, and
- must be sited away from other pollution sources e.g. flues, soil and vent pipes and must not bring in odour from any commercial extraction system.
- Windows to the affected rooms on the 1st floor shall not have trickle vents and shall be fixed shut.

An Air Quality Scheme Checklist is available from Environmental Protection which details the information required to be submitted.

GBC Private Sector Housing HMO Team Observations in relation to DWG No: 01

To the ground floor, confirmation required on the use and access rights to the store and area identified as not surveyed.

The ensembles within the rooms will not be considered as habitable space. Confirmation of habitable room size required.

It is recommended for the FD30's located at the top of the communal stairs to have vision panes incorporated. This is to allow for visual inspection and borrowed light.

It is recommended for the FD30 located to the communal kitchen to have a vision pane incorporated. This is to allow for visual inspection into and out of the room.

We do not recommend full cooking facilities be sited within individual bedrooms.

It is recommended to extend the fire detection system into the room containing appliances 9 & 10, located off the communal kitchen.

External refuse store, confirmation of location required.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing requirements and fire safety measures.

Natural England

Summary of Natural England's Advice:

Designated sites [European] – no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

Further Information Regarding Recreational Pressure Impacts on Habitat Sites (European sites):

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as North Kent Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone

or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Other consultees

No response has been received from the GBC Waste and Recycling Manager, the GBC Housing Development & Strategy Manager, the GBC Licensing Team (Regulatory Services) or the Kent Police - Designing Out Crime Team.

Neighbouring properties

The application was publicised by a site notice and to ten neighbouring properties by letter. No representations have been received and the overall consultation period expired on 20th February 2024.

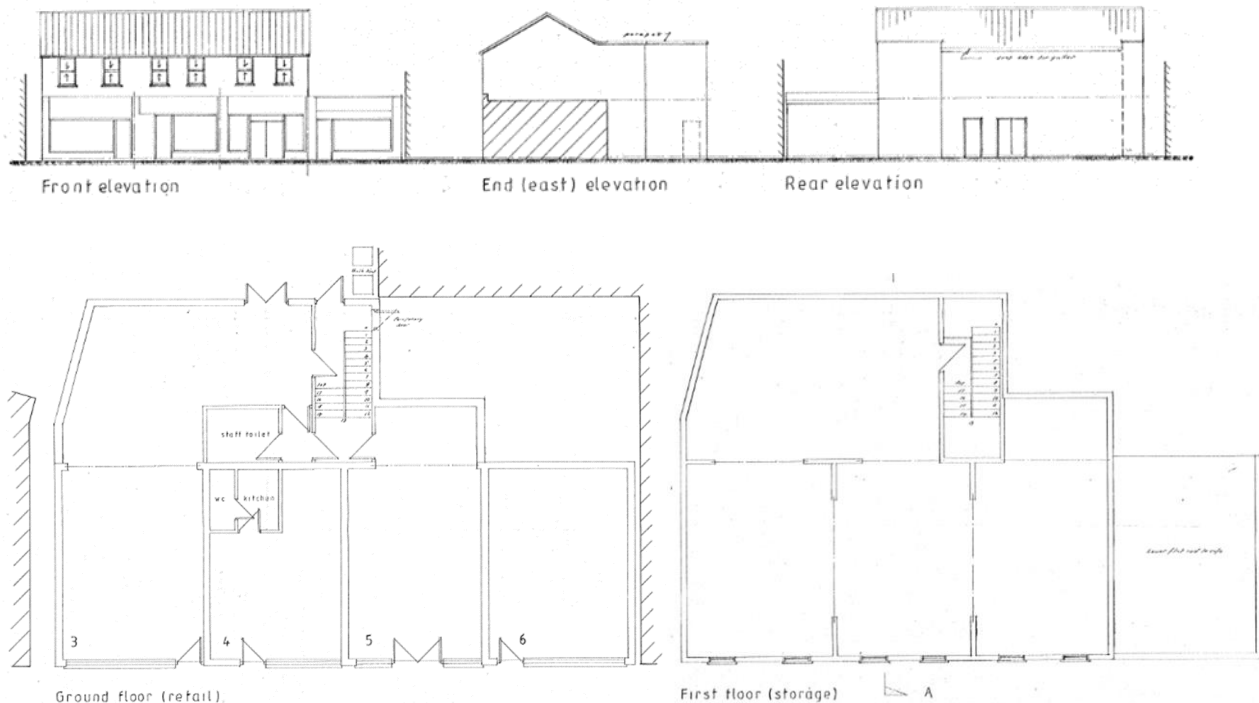
Officer's Analysis

Background

This application has been submitted following an enforcement investigation into the unauthorised

conversion of part of the application property into a House in Multiple Occupation (HMO).

Prior to the recent works, the application property was in retail use. The application property was extended at first floor level to provide retail storage under planning permission reference 20120757. The approved layout and elevations for 20120757 were as follows;



Principle of the Development

Policy CS14 of the Gravesend Local Plan Core Strategy September 2014 seeks to protect the mix of housing in the existing stock and requires 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.

The application site is located in a primary shopping area in Gravesend Town Centre and as such, Policy CS08 of the Gravesend Local Plan Core Strategy (2014) is relevant. Policy CS08 safeguards the retail character and function of existing centres by resisting development that would adversely affect their vitality and viability. It states that Gravesend Town Centre will be maintained as the highest order centre within the Borough and retail uses will be directed to the primary shopping area as the sequentially preferred location for new retail development.

The application site is also located in the Gravesend Town Centre Opportunity Area, where Policy CS05 of the Gravesend Local Plan Core Strategy (2014) is relevant. Policy CS05 states that the Gravesend Town Centre Opportunity Area will be the principal focus for town centre related economic and social activity in the Borough and that this will be achieved by amongst other things, consolidating the existing retail area and encouraging a mix of employment and residential uses. The policy supports the provision of new residential development and supports existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors, where a satisfactory living environment can be achieved.

The application site comprises of the first floor area above two retail units that was previously used for retail storage and a small section at the rear of the ground floor, which is currently used for retail storage. The retail units are currently occupied by a barber shop and a shoe repairs/key cutting shop. At the site visit, it was noted that the ground floor storage area was in use (apparently by the shoe repairs/key cutter unit). No details have been provided which illustrate exactly how ground and first floor retail storage areas were used prior to the unauthorised conversion works. Therefore, by virtue of the loss of retail storage space,

the proposal could have a detrimental impact on the operation (viability) of the existing retail units.

The application site is located in a predominantly commercial area, with shops, a public house, a gymnasium and the Garrick Street/Barrack Row transport interchange in close proximity. Whilst the location has good public transport links and access to a variety of facilities and services, it is intrinsically noisy and subject to adverse air quality. Furthermore, the proposed occupiers would be located in very close proximity to potentially noisy commercial units, both immediately adjacent and below.

The proposed development would add to the range of residential accommodation in Gravesham and be situated in a sustainable town centre location but it may undermine the operation (viability) of existing retail units in a primary shopping area and would result in poor living conditions for future occupiers. Therefore, the proposal would be in line with Policy CS14 of the Gravesham Local Plan Core Strategy (2014) but contrary to Policies CS05 and CS08 of the Gravesham Local Plan Core Strategy (2014). Overall, it is considered that the proposed development would be unacceptable in principle. The following sections will consider the detailed impacts of the proposal.

Housing Delivery

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 NPPF paragraph 182)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats

- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

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

It should be noted that the application site is not located an area of particular importance and is not an asset of particular importance. Therefore, paragraph 11(d)(ii) is relevant to the determination of this application.

The proposed development for a net increase of six residential units would offer a modest contribution towards meeting this local need and, accordingly, officers consider 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 contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

The proposed development would not result in any external alterations to the application property. Therefore, there would be no adverse design impacts and the proposed development would not be detrimental to the character or appearance of the surrounding area. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Amenity of Future Occupiers

Paragraph 135(f) of the NPPF 2023 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The application site is located in the Gravesend A226 One Way System Air Quality Management Area (AQMA) and in close proximity to a number of commercial properties (including a public house and 24 hour gymnasium), a roadway and the Garrick Street/Barrack Row transport interchange. As such, the surrounding environment is noisy with poor air quality.

The GBC Environmental Protection Team (Regulatory Services) have raised significant concerns regarding the potential for adverse noise and air quality impacts to future occupiers. They require the submission of a noise impact assessment, prior to the determination of the application, covering the impact of traffic noise, noise from the nearby railway and also other existing commercial noise sources in the vicinity around the site on future occupants. The state that the assessment should also include details of the quality and standard of the sound insulation properties of the building to ensure that future residents are not impacted

by internal noise between the proposed HMO units and existing commercial occupiers.

In relation to air quality, the GBC Environmental Protection Team (Regulatory Services) highlight that the proposal would introduce new sensitive receptors into an area recognised as having poor air quality. Therefore, mitigation measures must be put into place to ensure that there would be no detrimental impact on future occupiers. They indicate that all the HMO units fronting the A226, should have upgraded and sealed windows and a Mechanical Ventilation and Heat Recovery (MVHR) system should be installed as a means of alternative ventilation and cooling to having windows open.

Importantly, the GBC Environmental Protection Team (Regulatory Services) highlight that the mitigation works would be comprehensive and may not be achievable, due to the existence of nearby kitchen extracts and the courtyard type location at the rear of the application site. Therefore, they raise an objection to the proposed development.

Overall, it is considered that the proposed development would lead to adverse noise and air quality impacts to future occupiers and as such, be detrimental to residential amenity.

In relation to the proposed internal layout, the Guidance for HMO Amenity Standards (2023) includes minimum bedroom sizes and layout guidance for kitchens, dining areas and living areas and the advice of the GBC Private Sector Housing HMO Team is relevant.

The Guidance for HMO Amenity Standards (2023) requires, for a room to be used as a bedroom with living space, that there should be a minimum floor area of 10 square metres and for a bedroom only (for one person) there should be a minimum floor area of 6.5 square metres. A kitchen shared by 5 occupants should have a minimum floor area of 7 square metres and for 6 occupants 9 square metres. A communal dining area should have a minimum of 2 square metres per person.

The GBC Private Sector Housing HMO Team have not raised an objection to the proposal but highlight concerns regarding the detail of the proposal and require some additional information and alterations to the internal layout.

It is noted that proposed bedsit 1 has a floor area below the 10 square metre standard. The other rooms and communal areas are of appropriate size.

No details of any proposed refuse storage have been provided but the applicant has indicated (at the site visit) that a refuse storage area could be located in the rear courtyard. Any proposed refuse storage would not be widely visible or out of character with the surrounding area. However, due to the extent of existing refuse storage (for surrounding commercial occupiers) and parking in the courtyard, it is questionable whether adequate refuse provision would be achievable without undermining the refuse/parking requirements of existing commercial occupiers. Insufficient refuse provision would lead to adverse living conditions for both future occupiers and existing residential occupiers.

It should be noted that, if there was not an 'in principle objection' to the proposal, then the applicant would have been asked to provide further details of any proposed refuse arrangements (which would have been likely to involve the red line boundary of the application site being amended to include the rear yard) and to provide the information/alterations required by the GBC Private Sector Housing HMO Team.

Overall, the proposed development fails to demonstrate that it would provide satisfactory living conditions for future occupiers. Therefore, there would be adverse impacts to residential amenity and the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the NPPF 2023.

Neighbouring Amenity

Paragraph 135(f) of the NPPF 2023 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution. In this regard, the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are the flat above The Somerset Arms, 9-10 Darnley Road and residential accommodation on the first/second floors, 4-6 Darnley Road (located to the west) and Flats 1A, 1B, 3A and 3B Darnley Road (located to the north). Commercial properties immediately adjoin the application site.

The proposed development would not result in any alterations to the exterior of the application property but existing windows in rooms currently used for commercial storage would be converted into a mixture of habitable and non-habitable rooms. At the rear of the application property, four existing windows would be located within two kitchen areas (non-habitable rooms), a bedsit (a habitable room) and a stairway (a non-habitable room). Due to the orientation of surrounding residential properties, any overlooking between the windows of existing residential units would mainly be oblique and no adverse impacts would occur from the non-habitable rooms. However, windows in the side elevation of no. 3 Darnley Road would directly face proposed bedsit 5, a habitable room.

The RLG set out that privacy distances between facing windows should be met, in order to prevent overlooking. A privacy distance of 21 metres is required for facing windows where there is no private garden area in between (as is the case here). For no. 3 Darnley Road, the privacy distance would be some 20 metres. Whilst it would be preferable for the full 21 metres privacy distance to be available, in a town centre, courtyard location and where the commercial windows already cause some overlooking, it is considered that any adverse overlooking impact would not be so significant as to warrant the refusal of planning permission.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994 require new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards. Saved Policy P5 of the of the Gravesham Local Plan First Review (1994) allows a relaxation of the vehicle parking standards for changes of use of buildings and the sub-division of existing dwellings in certain circumstances and provided that existing on-street parking problems are not unduly exacerbated.

The application site has no on-site parking provision but is located in the town centre, with good access to public transport and a range of facilities and services. The GBC Highways Officer has not raised an objection to the proposal but requires the provision of one secure cycle parking space per bedroom.

The proposed residential use would not result in a significant increase in vehicle movements and in a town centre location, the lack of on-site vehicle parking would not be detrimental to highway safety.

The application site does not include an external area (despite the applicant suggesting that an area of an existing rear courtyard could be available for refuse storage). Therefore, any bicycle storage would be likely to be located within the building.

It should be noted that, if there was not an in principle objection to the proposal, then the applicant would have been asked to provide details of any proposed bicycle storage.

Overall, the proposed development would not generate a significant increase in vehicle movements and would not be detrimental to highway safety. As such, the proposal would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P5 of the Gravesham Local Plan First Review (1994).

Ecology and Biodiversity

Paragraph 186 of the NPPF 2023 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused. Paragraph 187 sets out that Special Protection Areas and Ramsar Sites should be given the same protection as habitats sites.

Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 states that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites. It also states that, here a negative impact on a protected or priority habitat/species cannot be avoided, compensatory provision will be required.

The application site falls within 6 km of the Thames Estuary and Marshes Special Protection Area (SPA), classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The Thames Estuary and Marshes is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011, found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of recreational disturbance on each and every planning application for a new residential development of one or more units within the 6 km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) tariff payment (currently £314.05 per dwelling).

The comments of Natural England are noted. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations, Section 14 (specifically paragraphs 186 and 187) of the NPPF 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Any Other Material Planning Considerations

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

Conclusion & Recommendation

The proposed development would result in a minimal boost in the supply of residential units in the Borough. This would generate both social and economic benefits, with economic benefits accrued through the construction phase and subsequently, through the reliance of future occupiers on local facilities and services. Although due to the scale of the proposed development, these benefits would be limited in nature. The proposal would cause no detriment to surrounding residential occupiers or to highway safety. These benefits are attributed modest weight.

The above report has identified the adverse impacts of the proposed development, which are summarised below;

- The proposed development fails to demonstrate that it would provide satisfactory living conditions for future occupiers. Therefore, there would be adverse impacts to residential amenity and the proposal would be contrary to Policies CS05 and CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the NPPF 2023.
- The proposed development fails to demonstrate that it would not undermine the operation (viability) of existing retail units in a primary shopping area, which would be contrary to Policies CS05 and CS08 of the Gravesham Local Plan Core Strategy (2014).
- The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations, Section 14 (specifically paragraphs 186 and 187) of the NPPF 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Overall, it is considered that the adverse impacts of the proposed development attract significant weight and would significantly and demonstrably outweigh the benefits of the proposal. Therefore, following a thorough assessment of the application and all material planning considerations relating to the proposal, it is considered that the proposed development cannot be supported and that planning permission should be refused.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	12th March 2024	Dated:	13 March 2024