



Delegated Report

Planning Application

Planning Application No: 20241031

Location: The Kings Veg 7 King Street Gravesend Kent

Description: Conversion of first, second and third floors offices to provide 3no. single occupancy, studio flats.

Applicant: Mr Bashir Ali

Site Visit Date: Previous Visit 15/08/24

Submitted Documents/Plans

Application Form

001 B – Location Plan, Existing Block Plan, Proposed Block Plan

002 A – Existing Floor Plans

003 B – Proposed Floor Plans

Preliminary Roost Assessment

Heritage Statement

Marketing Statement and Response to Concerns Regarding Employment Floorspace

Ecological Impact Assessment and Bat Survey Report

Noise Impact Assessment

Relevant Planning History

Reference	Description	Decision	Decision Date
20240606	Conversion of first, second and third floors offices to provide 3no. single occupancy, studio flats.	Refused	20.09.2024
20240610	Erection of a four-storey building to contain three 1-bedroom studio flats at the rear of 7 King Street.	Refused	20.09.2024
19890592	Change of use of the 1st, 2nd and 3rd floors from residential to offices.	Permitted	05.09.1989
19850771	Use of first second and third floors for residential purposes incorporating 4 no bedrooms with communal facilities	Permitted	24.12.1985

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS12 – Green Infrastructure

- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network
- TC2 – Listed Buildings
- 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.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 7 – Ensuring the vitality of town centres
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and Enhancing the Historical Environment

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020).
- SPG4 – KCC Parking Standards (2006).
- Technical Housing Standards – nationally described space standard (2015);
- King Street Conservation Area Appraisal Supplementary Planning Document, 2017
- Management Plan – Gravesend Town Centre Conservation Areas Supplementary Planning Document, 2017
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Conservation Officer

No comments received.

GBC Environmental Protection

Having reviewed the submitted information, the following comments and advice is offered regarding this application:

Noise:

The 'Noise Impact Assessment' dated 23/10/2024 by Peak Acoustics (Report Ref; 2309241NR) has been reviewed. Appropriate methodology has been followed and noise measurements undertaken. In order to comply with the criteria contained in BS8233:2014 for internal noise levels, some mitigation works are needed. The proposals include upgraded secondary glazing and passive thru-wall vents, with specifications provided in section 4 of the NIA.

A statement relating to sound insulation between the flats and retail unit on the ground floor. Although a sound insulation test has not been undertaken, the report re-iterates advice given for the previous (refused) application that there should be an improvement over the minimum levels stated in the Building Regulations of 10dB. Again, a design specification is provided (section 7).

Whilst this addresses current noise sources, it's noted that at the time of the monitoring, the 'Kings Sports Bar' located on the ground floor in the adjacent property was closed (closed during 2023). This premises has a late-night licence. In addition, the premises has been the source of noise problems in the past. If this use remains/starts up again, this could result in further noise (from amplified music, loud voices etc continuing until late at night) that could impact the proposed flats.

Whilst this is difficult may be difficult to quantify at this point, I would like to see some consideration, assessment of this made in the NIA, along with recommendations for mitigation measures.

GBC Leisure and Tourism

I am writing to confirm that I have no comments to make on the above application from a Leisure Services perspective.

GBC Housing

No comments received.

GBC Waste and Refuse

No comments received.

KCC Biodiversity

No comments received.

KCC Flood and Water Management

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph
- (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Education

No comments received.

Southern Water

Thank you for your correspondence dated the 17th of January 2025, please see our comments below regarding the above application.

Connection to public sewer

Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Kent Police Designing Out Crime

No comments received.

KCC Fire Safety Officer

Thank you for your email dated 17 January 2025. Following my assessment of Fire and Rescue Service emergency access provisions for planning application; 20241031, I would like to make the following observations.

Upon reviewing the available plan drawings on the Gravesham planning portal, it is in my opinion that the emergency access requirements for the Fire and Rescue service 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.

If you require any further advice, please contact this office using the details above. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

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 approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

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

Neighbouring properties

10no. surrounding properties were consulted, a site notice displayed, and the application was advertised in the Gravesend Messenger. 0 comments were received from members of the public.

Officer's Analysis

Proposal

This application follows previous refusal ref 20240606, which was refused for the following reasons:

- 1. The proposed development involves a loss of employment floorspace to residential use and insufficient evidence has been provided in relation to the marketing and viability of the existing office space, as required by planning policy, and the principle of the development is not considered to be acceptable without such evidence. The proposal is therefore contrary to the requirements of Policy CS07 of the Gravesham Local Plan Core Strategy 2014.*
- 2. The proposal fails to safeguard biodiversity and 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. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 188) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*
- 3. Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. The documents provided with the application do not include a Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).*
- 4. Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Ecological Impact. The documents provided with the application do not include a Ecological Impact Assessment or a Bat Survey. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).*

This application is essentially the same as that previously proposed, but provides additional information in the form of; Preliminary Roost Assessment, Heritage Statement, Marketing Statement and Response to Concerns Regarding Employment Floorspace, Ecological Impact Assessment and Bat Survey Report And a Noise Impact Assessment.

Principle of Development

Locational Sustainability and Housing Need

Core Policy CS02 sets out where development should be distributed in the borough. Preference is given to those urbanised areas as sustainable locations. Outside urbanised areas, those rural settlements which are inset from the Green Belt would also be considered acceptable in principle. This site is in a rural area, in the Green Belt NOT forming part of settlement inset from the Green Belt. In this context the policy states that developments; *'will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.'*

Policy CS02 of the Local Plan Core Strategy (LPCS) also sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new

dwelling during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the National Planning Policy Framework (NPPF) 2021 and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the NPPF Para 11(d) unless:

i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken.

On this basis, it could be argued that the proposed development for a net increase of 3 no. residential units would offer a minimal contribution towards meeting this local need and, accordingly, would weigh in support of the development. However, this has to be balanced against other requirements of the NPPF (2024) which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Core Policy CS05 establishes this area as the 'Gravesend Town Centre Opportunity Area'. It states that in this area, residential development would be supported where a satisfactory living environment can be achieved. In particular it falls within sub-area 3.1 (Town Centre *includes key site). This area is described as:

'The Town Centre (sub-area 3.1) comprises the main commercial part of Gravesend town centre. It is relatively compact and has the main concentration of retail, leisure, cultural, tourist, civic and service facilities in the Borough. This includes shops, banks, restaurants, bars, the Town centric visitor and information centre, Gravesend Community Hospital, The Woodville, and the Council's offices. These serve the whole Borough. It also acts as a transport hub for both conventional and high-speed train services as well as buses'

Paragraph 4.6.21 notes that the ground floor premises are likely to continue with the existing retail, commercial and service functions. It does however also note that upper floors are a mix of offices and residential use and so this is expected.

It is noted that although upper floor residential space is proposed, the retail frontage would remain in use at ground floor in this instance, it would be considered acceptable in terms of this policy.

Core Policy CS05 also states that within the Opportunity Area, the Council will *'Support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.'*

Policy CS07 identifies sub area 3.1 also as an area for the creation and expansion of office-based employment under paragraph 5.1.16. It also aims to protect existing employment sites unless they are truly redundant for modern needs or have been identified through the Core Strategy as suitable for regeneration to alternative uses. It is noted that the current established use of the site is mixed, including offices, and so the office spaces to the upper floors of the site would be lost as a result of this development.

Paragraph 5.1.34 states that development resulting in the loss of Class B Employment (in this case offices would now fall under class E(g)(i)), would not be supported unless allowed by other policies in the strategy or where;

- *the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or*
- *the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or*

• *the existing premises have an unacceptable environmental impact on the area within which they are situated, and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.*

Unless it can be shown in this exercise that there is no demand for the existing office premises, the development would fail to comply with Policy CS07. In this case, the agent has supplied a document title 'Marketing Statement and Response to Concerns Regarding Employment Floorspace.'. The document states that within the last 12 months, local estate agents and commercial property specialists were contacted about the site, and the conclusions drawn from that contact was as follows:

- **Building Condition:** The building is not in a stable condition for office use in its current state. Structural and internal issues require substantial renovation to make it viable for modern commercial use. In its present form, the property does not meet the needs of businesses seeking office space in the area.
- **Market Trends:** The estate agents have highlighted a significant shift in the demand for office space within Gravesend. There is a noticeable trend towards a preference for modern, flexible workspaces and a decline in the demand for older, traditional office spaces. Given the age and condition of the building, the viability of attracting tenants for commercial use has been minimal.
- **Cost of Renovation:** Feedback from the estate agents also indicated that the level of investment required to bring the property up to modern office standards would be prohibitively high. The costs of renovation are unlikely to be recoverable through rental income from office tenants, especially given the lack of demand for traditional office space in the area.

Unfortunately it is not possible to ascertain whether these conclusions are correct as no evidence has been submitted to support the claims. No information has been provided regarding which estate agents have been contacted, or how many. No technical information has been provided to support the statement.

For loss of employment use, evidence of marketing of at least 12 months, and a viability assessment which considers the ability of the current employment use to continue. Neither have been provided.

The marketing exercise should be/include:

- A minimum of 12 months.
- Show both leasehold and freehold options.
- Show the building as marketed in a condition that allow the premises to continue as a functioning office.
- Details of the company/individual who undertook the marketing exercise.
- Include a valuation from a RICS accredited valuer independent of the selling agent.
- Details of for sale/for rent signs posted for the duration of the marketing exercise.
- Details of all approaches and offers with full reasons as to why any offer has not been accepted.

None of the requirements listed above have been provided. As such refusal reason 1 on the previous refusal has not been overcome by the information submitted.

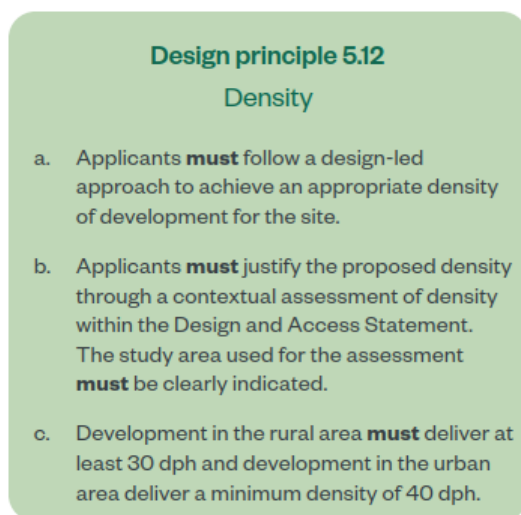
Policy CS08 identifies this site as falling within the Primary Shopping Area. Applying a sequential test the policy will prioritise town centre uses, such as retail uses to be located in the Boroughs Primary Shopping Area. Of particular relevance to this case, policy CS08 states that the Council will; *'safeguard the retail character and function of existing and new centres by resisting development that would adversely affect their vitality and viability,'*. Given that the scheme does not appear to alter the existing retail use fronting the Primary Shopping Area, it would not harm the retail character and function of the existing centre.

Policy CS14 establishes the Housing Type and Sizes for the area. In particular, it notes that new housing development should provide a range of dwelling types and sizes. This proposal would provide 3no. single-occupancy flats. Given the town centre location, this would be considered acceptable.

Core Policy CS15 allocates housing density appropriate to the area. In this instance, the site is in an urban

area and so a minimum of 40 dwellings per hectare, is required. The site area is 249 sq Meters. The proposed scheme would create 3no. flats. If this scheme were approved the density would be 120.6dph. Whilst this would be above the minimum requirement of 40dph, the proposed scheme alone would be three times, greater than the minimum. Although it is noted that in Town centre locations, it is expected that there will be instances where the minimum is exceeded.

The development is therefore considered to be compliant in terms of locational sustainability and as a contributor to overcoming the housing shortfall and is therefore considered acceptable and complies with the objectives in local and national planning policy.



However, the support in the Framework and development plan for new housing is not unconditional and the development would therefore be required to comply with relevant planning policies and should be of good design, appropriate for all other material planning considerations.

Appropriateness of Conversion

Saved Policy H5 of the Local Plan First Review (1994), focusses on the conversion of buildings to Housing. This policy applies the following criteria:

- (i) The building shall be in an appropriate area for conversion to flats, maisonettes, bedsitters and multiple occupancy. Unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised for the most part of single-family dwellings. Conversely, conversions will not normally be permitted in areas which are environmentally unsuitable for young families and which already demonstrate a predominance of multiple occupation.
- (ii) The building shall be of such a size and arrangement as to be generally unsuitable for single family occupation.
- (iii) The proposal shall have regard to the Borough Council's Residential Layout Guidelines, as set out in supplementary planning guidance.
- (iv) The adopted Vehicle Parking Standards must be achieved wherever feasible.

In this instance, the building is in the Town Centre, along a row of shops, leading onto the High Street. However, a number of the shop units in the local area have been converted for residential development on the upper floors. The building is also spread across multiple floors and would be unsuitable for a single-family occupation, given this arrangement. It would retain an active retail frontage, at ground floor. Part iii and iv will be assessed separately but will be required to comply in terms of Residential Layout Guidelines and adopted Vehicle Parking Standards. The conversion here would therefore be considered acceptable,

subject to all other material planning considerations.

Design, Character and Appearance

Policy CS19 (LPCS) states that the design, layout and form of new sustainable development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2021) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make developments acceptable to communities (NPPF paragraph 126). The quality and character of the built environment is also important in making the Borough an attractive place in which to invest. Therefore, a balance is required between achieving an effective use of a site within a sustainable location, whilst safeguarding and improving the environment and protecting local amenity.



The above image was taken during the site visit on 15th August 2024. The building is located along the high street, with The Kings Veg located on the ground floor. This application relates to the first, second and third floors only. No changes to the external façade are proposed. The stone located centrally on the pair, states that it was rebuilt in 1895.

Heritage

Conservation Area: It is noted that this building is in the King Street Conservation Area, where greater weight would be placed upon the impact on the character of the area and a high quality of development is expected.

No. 7 King Street itself is located in the King Street Conservation Area (as are the other buildings no. 3 – 21C on this northern side of King Street). The King Street Conservation Area Appraisal (2009) identifies no. 7 King Street as a positive building in the King Street Conservation Area (as it does nos. 3 – 18 King

Street).

Of the area it states:

'King Street, Milton Road and the northern end of Parrock Street comprise much of the eastern half of the town's commercial and retail centre. The three roads were created in their current form to provide a stagecoach trade, and their wide, busy appearance still suits their historic role in Gravesend. They are lined with large, tall buildings and are comparatively broad which affords them a spaciousness that can accommodate the steady flow of pedestrian and motor traffic without appearing too congested.'

Listed Building: The building to which this application relates is not a Listed Building. 'The Grand' the Bank and the telephone boxes on the opposite side of the street are heritage assets and so consideration as to the impact on the significance of this heritage Asset should be given. No Design and Access Statement or Heritage Statement have been submitted with the application.

Relevant Policy: In considering this proposal, the impact on heritage assets needs to be considered. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance conservation areas and sections 66(1) of the Act 1990 requires the Local Planning Authority amongst other things to have special regard to the setting of listed buildings.

It is evident based on the lack of external changes to the building, that the impact on the character and setting of the area, Conservation and, including nearby Listed Buildings, would be negligible.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2024) in terms of design, character and appearance.

Amenity of Future Occupiers

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

Internal Space Standards

Flat 1

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen	32 (Including bedroom and living)	7.2
Living Room	32 (Including bedroom and Kitchen)	13.2
Single Bedroom	32 (including Kitchen/Living)	6.5
WC and Bathroom	3.5	3.5

Flat 2

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen	32 (Including bedroom and living)	7.2
Living Room	32 (Including bedroom and Kitchen)	13.2
Single Bedroom	32 (including Kitchen/Living)	6.5

WC and Bathroom	4.2	3.5
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Flat 3

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen	32.5 (Including bedroom and living)	7.2
Living Room	32.5 (Including bedroom and Kitchen)	13.2
Single Bedroom	32.5 (including Kitchen/Living)	6.5
WC and Bathroom	6.1	3.5

The total minimum space for a kitchen, single bedroom and living room combines would be 26.9m². The proposed units would all exceed this and would also comply with the minimum space standards for bathroom and WC in each unit. No external amenity space is proposed by this scheme.

External Space Standards

At paragraph 31, amenity space requirements for flats area addressed as follows:

For communal flats, a communal garden area equivalent to a minimum of 10 sq. metres shall be provided for amenity space.

For self-contained units (not necessarily communal) which have two or more bedrooms and are capable of providing family accommodation, an area of amenity space in excess of 10 sq. metres will be expected. Such amenity space shall be of sufficient size to accommodate the following activities :

- children's play space;
- drying area;
- limited outside storage;
- sitting out;
- general leisure use.

In this instance, there is existing external amenity space shown on this proposal. However, it is noted that if planning ref 20240610 were permitted in conjunction with this application, the external amenity space provided for the flats considered under this application, would be lost. However, it is noted that this is a town centre location, with good public transport options and local parks and recreation ground facilities. For instance, the Riverside Leisure Area is an 8 minute walk from the site.

Noise

The Environmental Protection Team in the previous application commented on the application and advised that further detail is required in the form of a Noise Assessment. They state that this would 'ensure that any noise mitigation measures as required are able to be achieved.'

A Noise Impact Assessment has been submitted for this application. The Environmental Protection Team in their comments advised that mitigation measures are needed to reduce noise impacts. They also note that the assessment does not consider the use of the 'Kings Sports Bars', which is located in the adjacent ground floor property. Whilst the bar is currently closed, it has a license for late night use and there is potential for the use to start again and this would have an impact on any residents living in this property if converted.

Further information would be needed to fully assess how the occupiers of the proposed flats would be impacted by surrounding noise, and whether this could be appropriately mitigated.

Therefore, refusal reason 3 would not be overcome by this application and insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. The documents provided with the application do not determine any noise mitigation measures are required by the Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

Amenity Summary

Overall, the proposed scheme would provide appropriate internal and external space standards for future occupiers. However, given the insufficient information provided in terms of noise mitigation measures required by Noise Impact Assessment, it is not possible to fully assess the impact of the development on future occupiers.

Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.

The building to the west of the application site, which is a nail and beauty salon, most recently had planning approval in 2006 under planning reference 20060906 for '*Conversion of first and second floors of building to use as a surgery for slimming and non-surgical cosmetic treatments.*'

To the East, the Kings Head Sports Bar, there is limited information in the planning history on how the upper floors are used. In any case, no external changes are proposed and so there would be no impact on residential neighbours in terms of overlooking, overshadowing or overbearing bulk.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Parking Provision

The proposed development does not provide any car parking facilities or cycle facilities. The site is in a highly sustainable location, in the Town Centre and so provision of vehicle parking spaces would not be necessary in this instance. This is further justified given close proximity to the train station, with high speed services to London. It is also close to the newly refurbished transport hub. Although vehicle parking provision would not be necessary, cycle parking provision for 3 additional rooms, would be required. This could be provided by condition.

Subject to conditions, adequate vehicle and cycle parking provision would be available in accordance with paragraphs 115 to 118 of the National Planning Policy Framework (2024), Saved Policies T1 and P3 of the

Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

Waste and Refuse

Following discussion with the planning agent, the proposed block plan was amended to include the location of cycle storage and bin storage. It is noted that if the other current application under planning ref 20240610 were approved, the location of the bin storage proposed would be inaccessible. Therefore, if approved, details relating to position and appearance of the bin storage would be reserved by condition.

Biodiversity Net Gain

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

In this instance, the application form indicates that the application is subject to the de minimis exemption and therefore exempt from the requirement for 10% Biodiversity Net Gain. As such no Biodiversity information has been submitted with the application, nor a completed BNG Metric.

Biodiversity Mitigation

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA)

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

purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £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.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has **NOT** completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue. Given the other issues outstanding on the site, payment has not been sought as it would likely not be conducive to a favourable outcome in this instance.

Ecological Impact Assessment and Bat Survey

The documents provided with the application now include an Ecological Impact Assessment and a Bat Survey. However, these should be comprehensive reports, detailing the findings, including proposed mitigation measures and should be undertaken and prepared by a qualified ecological consultant with relevant experience to conduct surveys and assessments. The document provided is brief and concludes that there are no ecological impacts and likely no presence of bats. However this is prepared by Dream Design and no evidence is submitted that identifies the persons qualifications and experience to undertake such an assessment. No evidence within the document is provided which would confirm the conclusions. Bat survey season is between May to August but this document identifies that the inspection was undertaken on 2nd November 2024 which is out of season for such surveys.

As such, it is not possible to make a determination as to the impacts of the proposal on Ecology and Biodiversity. The proposal is contrary to Section 16 of the National Planning Policy Framework (2024). Refusal reason 4 has therefore not been overcome by this application.

Therefore, the development would **NOT** comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 192 and 195) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Conclusion & Recommendation

As the proposed development involves a loss of employment floorspace to residential use, insufficient evidence has been provided in relation to the viability of the existing office space, as required by planning policy, and the principle of the development is not considered to be acceptable without such evidence. The proposal is therefore contrary to the requirements of Policy CS07 of the Gravesham Local Plan Core Strategy 2014.

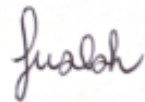
The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 192 and 195) of the National Planning Policy Framework (2024) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. The document provided with the application does not include details of noise mitigation measures required in the Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Ecological Impact. The documents provided with the application do not include an Ecological Impact Assessment or a Bat Survey. As such, it is not possible to make a determination as to the impacts of the proposal on ecology and biodiversity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).

For the above reasons, the recommendation is to refuse this application as the previous grounds of refusal have not been adequately addressed.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	26th February 2025	Dated:	28 February 2025