



Delegated Report

Full Planning Application

Application No:	20240094
Location:	Universal Food Centre, 4 - 5 Milton Road, Gravesend, Kent, DA12 2RE
Description:	Formation of 2 x 1 bedroom self contained flats and 2 x studio flats along with first floor rear extension and roof conversion above shop.
Applicant:	Mr. Ramandeep Singh Do Sanjh
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 29 January 2024
- Drawing no. 01 – Site Location and Floor Plans as Existing
- Drawing no. 02 – Roof Plan and Elevations as Existing
- Drawing no. 03 – Elevations as Proposed
- Drawing no. 04 – Floor Plans as Proposed, with Existing and Proposed Block Plans
- Drawing no. 05 – Construction Notes

Relevant Planning History

Reference	Description	Decision	Decision Date
20171308	Installation of a new timber framed shopfront.	REFUSED	06.02.2018
20120848	Installation of new shopfronts.	PERMITTED	06.12.2012
20120132	Continued display of internally illuminated fascia sign and internally illuminated projecting sign.	REFUSED	11.06.2012
20000595	Conversion of part of first floor and second floor into 2 no. self-contained one bedrooms flats and installation of a separate entrance door for the flats in the existing front elevation.	REFUSED	30.10.2000
19980579	Internal alterations and alterations to shop front.	PERMITTED	04.11.1998
19910563	Alterations to the front elevation at ground and first floor levels.	PERMITTED	05.03.1993
19850638	Display of illuminated neon tubing fascia sign	CONSENT	23.10.1985
19850637	Installation of a new shopfront	PERMITTED	11.10.1985

Development Plan

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
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

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 8 – Promoting Healthy and Safe Communities
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed and Beautiful Places
- Section 16 – Conserving and Enhancing the Historic Environment

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)
- King Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

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.

Consultations, Publicity and Representations

Internal Consultees

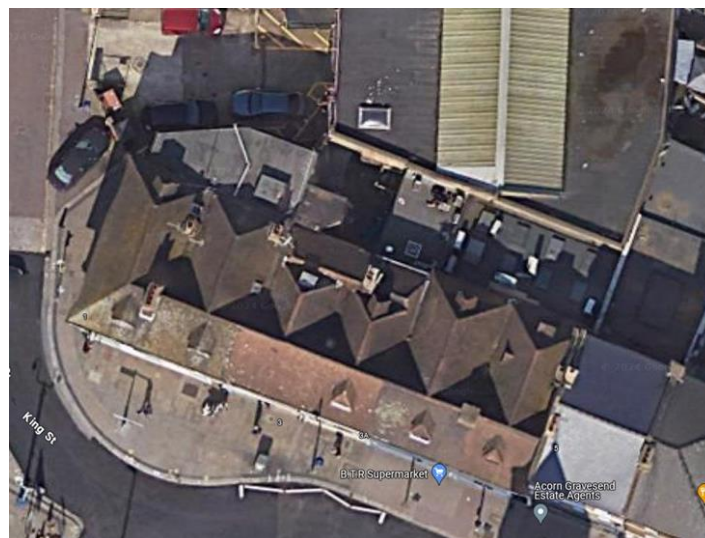
GBC Highways – I have no highway objections to the proposal. No car parking is required as this is a town centre location, but technically four-cycle parking spaces should be provided to comply with KCC SPG4, but obviously this is not possible given the site layout. Any occupant should be aware of the site's limitation and any refusal based on the lack of cycle parking is unlikely to be sustainable at appeal.

GBC Conservation Officer – Having reviewed the application I offer the following comments.

4-5 Milton Road forms part of the original New Inn, a late 18th century building, which is now subdivided into 1-5 Milton Road. The image below shows it in its complete state before being divided up into the present day units. The building is one of the earliest surviving in the town centre and retains much of the original construction, including the roof and chimney stacks. As such it is a non-designated heritage asset.



The Google aerial image below clearly illustrates the original intact roof form, with extended rear hipped roofs, which is an integral part of historic interest of the building. Further single storey flat roofed rear extensions are modern and of less historic significance than the main pitched roofs.



The proposals involve demolition and removal of the historic chimney stack and historic attic staircase as well as re-ordering of the internal historic layout of the plan and removal of the rear wall in order to extend a modified pitched roof in order to add two first floor bedrooms at the rear. The proposed first floor bedrooms extend out beyond the original rear wall building line.

The altered shop front is poorly considered with the inclusion of a rendered panel within the existing shop front, which in design terms confuses the appearance of the shop front with the residential access.

The dormer windows should be re-instated to multipaned casements windows as seen in the image above.

The proposed demolitions and altered roof form will detract from the original appearance causing harm to the non-designated heritage asset.

There is no heritage statement to assess the significance and impact of the proposals.

The proposals are therefore contrary to local and national policy and cannot be supported.

Local Ward Councillors – No comment received.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice displayed on site 23 February 2024.

In addition, six surrounding properties were consulted and no representations were received.

The consultation period expired 15 March 2024.

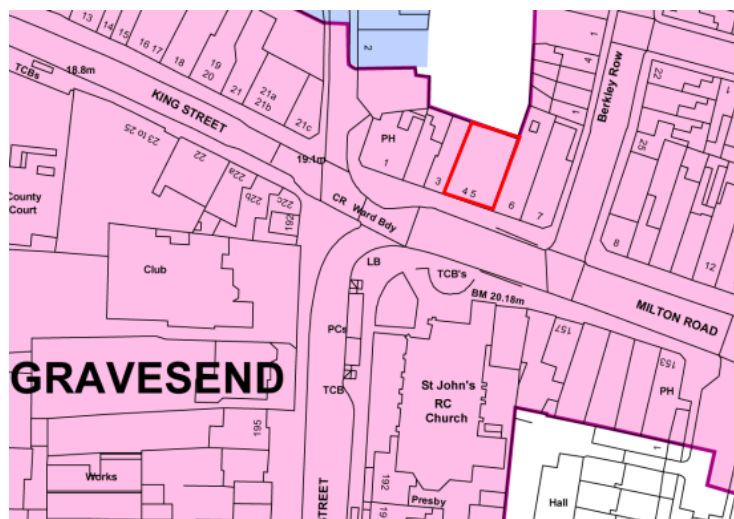
Officer's Analysis

Site Description

The application site consists of a two storey building located towards the north side on Milton Road. The ground floor is in A1 retail use, with residential flats above.



The site is situated within the King Street Conservation Area.



The proposal is located within the King Street Conservation Area and adjacent to the grade II listed New Inn (Number 1 Milton Road). On the opposite side of the road is the Grade II listed St John's RC Church and 157 & 158 Milton Road. The building itself forms a part of the original range of buildings that were the New Inn, which was later subdivided and is therefore of local historic interest and a non-designated heritage asset.

Development Proposal

This application proposes the erection of a first floor rear extension to create 2no. self contained flats and 2no. studio flats within the first and second floors of the building. The ground floor would be retained as a commercial unit and a new entrance will be formed on the western side, to access two of the flats.



The extension would have an overall depth of 6m and width of 9.8m, at a total height of 2.9m. It is proposed that the materials would match the existing building.

Principle of Development

The site is located within the Town Centre Opportunity Area (Policy CS05), Gravesham's Primary Shopping Area (Policy CS08) and the King Street Conservation Area. As such, a key consideration in this application will be if the development preserves the Grade II Listed Building or any of the features of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the

character and appearance of the King Street Conservation Area.

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

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 National Planning Policy Framework (NPPF) (2023) 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.

The proposed development for a net increase of '3' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to 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

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

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

Based on the proposal, the density of the development would be circa 242 dwelling units per hectare thus significantly over the target minimum density, meeting the minimum density. This density per hectare would be overdevelopment of the site, which might not be in character with the surrounding area, however 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.

Design and Impact on the Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF (2023) 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.

The NPPF (2023) 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 209). 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 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.

Saved Policy TC3 of the Local Plan 1994 also states that development is expected to make a positive contribution to the conservation area. As the application site lies within the King Street Conservation Area,

in close proximity to Listed Buildings, these policies are all relevant to the consideration of this application.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 127 of the NPPF (2023)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2023). Relevant to this proposal, paragraph 133 of the NPPF (2023) 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.

The King St Conservation Area Appraisal highlights, as aforementioned in this report, that the application property is a key unlisted building which has townscape merit and is a relatively unaltered building that makes a positive contribution to the special interest of the Conservation Area. The proposed development will be at the rear of the building, which by virtue of being a terrace would not be visible from any public vantage point and therefore would have negligible impact on the character or appearance of the Conservation Area. However, the existing hipped gable projections on the rear of the terrace are original and reflect the rear of the former New Inn Listed Building (albeit burned down in a fire), and therefore the proposed development would have a negative impact on the terrace by disrupting and eroding the original continuity of the set of listed and key unlisted buildings within the King Street Conservation Area. Therefore, the proposal fails to meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to local and national planning policy by failing to preserve or enhance the Conservation Area, instead having a negative impact.

Moreover, the proposal involves the demolition and removal of original and historic features in the form of the attic staircase and chimney stack, which detract from the original appearance and cause harm to the non-designated heritage asset.

Notwithstanding this, in design terms, the extension proposed is bulky with a large flat roof section at first floor level. The Local Planning Authority do not support flat roof sections above ground floor level by virtue of their incongruous and bulky appearance. However, due to the extension being located at the rear, this is not visible and would therefore have no impact on the appearance of the building or the street scene. Nevertheless, the extension is poor design and would impact on the character of the wider terrace contrary to local and national planning policy.

Overall, it is considered that the extension is poor design, which fails to preserve the character and appearance of the King Street Conservation Area, the wider key unlisted terrace and listed building. Therefore proposal does not therefore meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) (LPCS), saved policy TC3 (Development Affecting Conservation Areas) of the Gravesham Local Plan First Review (1994) as well as Sections 12 (Achieving well-designed and beautiful places) and 16 (Conserving and enhancing the historic environment) NPPF (2023).

Amenity of Future Occupiers

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.

The flats within the proposal are 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). The proposed flats have been compared to the NDSS in the table below:

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (first floor)	1 (2 person)	50m ²	50.5m ²
2 (first floor)	1 (2 person)	50m ²	50.1m ²
3 (second floor)	1 (1 person)	37m ²	37.2m ²
4 (second floor)	1 (1 person)	37m ²	37.1m ²

Table 1 - Unit Floor Area Breakdown (GIA)

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.

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 (first floor)	Flat 2 (first floor)	Flat 3 (second floor)	Flat 4 (second floor)
Kitchen/Living/ Diner	25.2m ²	27.7m ²	23.5m ²	19m ²	18.6m ²
Bedroom (double)	11.5m ²	14.6m ²	14.6m ²		
Bedroom (single)	7.5m ²			13.7m ²	13.7m ²
Bathroom & w.c.	3.5m ²	2.5m ²	2.6m ²	2.5m ²	2.5m ²

Table 2 - Flat Floor Area Breakdown

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 most of the rooms within the flats fail to comply with the minimum floor area recommendations, with the exception of the bedrooms. Although flats 3 and 4 are studios, the living spaces fall significantly below the RLG recommendations and would be a cramped unit of accommodation. Therefore, the proposed flats would have undersized rooms contrary to the minimum guidance set out in the RLG and would be poor quality living accommodation for future occupiers.

In terms of external space, there is no provision for future occupiers. However, the site is within close proximity to the Riverside leisure area and Gravesend promenade, which offers a green open space for future occupiers of this development.

The habitable rooms will receive adequate levels of natural light.

The new dwellings will be entered through the accesses in the shopfront, with units 1 and 3 accessed on the western side and units 2 and 4 accessed on the eastern side. This is considered an acceptable arrangement.

Overall, the development would provide undersized and cramped form of development which fails to provide acceptable living conditions for future occupiers to the detriment of their amenity. As such, the development is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of

the NPPF (2023) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed development is not considered to impact the amenity of any adjoining property. Although the building at first floor level, it will not introduce any new windows at the rear that would result in overlooking. The building backs onto the Royal Mail sorting office and does not impact on the privacy of the screened gardens of properties on Berkley Crescent. Moreover, the extension is hipped and north facing, thus not impacting on light for the rear windows on the adjoining properties.

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 (2023).

Parking and Highways

The site is in a central location in the town where public transport links are good and there are sufficient parking restrictions in the locality and public car parks available nearby. There are no parking spaces available on site, which is considered acceptable given the central location of the property.

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 do not show any secure storage and due to the site being constrained the provision of cycle parking cannot be conditioned and details would be required prior to determination. However, given the town centre location there are available public bike locking areas in the vicinity of the site. Therefore, although a secure cycle store would be preferred with this development to accord with SPG4, it is not sufficient grounds to refuse the application.

Any Other Material Planning Considerations

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

No details relating to waste management have been submitted. With the site being so constrained, with no rear service area or clearly defined space for bin storage, and due to the development intensifying residential use and retaining the commercial use, this information would need to have been provided with the application and could not be conditioned.

Therefore, without the required information the proposal fails to comply Policy CS19 (LPCS).

Ecology and Biodiversity (Bird Mitigation) - 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 £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of 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 £314.05 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement and therefore fails to meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 185 and 186) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The extension is poor design and involves the demolition and removal of historic features, which causes harm to the non-designated heritage asset and fails to preserve the character and appearance of the King Street Conservation Area, the wider key unlisted terrace and listed building. Therefore, the proposal does not therefore meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy, saved policy TC3 of the Gravesham Local Plan First Review (1994) as well as Sections 12 and 16 National Planning Policy Framework (2023).

The proposed units of accommodation are undersized and would provide a cramped, poor quality living environment for future occupiers, contrary to the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020). The proposal is also considered to provide a lack of refuse storage facilities for future occupiers and the commercial unit. Therefore, the development fails to safeguard future occupier amenity contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

Lastly, the development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

No pre-application advice was sought prior to submission.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	27 th March 2024	Dated:	27 March 2024