



Delegated Report

Full Planning Application

Planning Application No: 20230453

Location: Dolphin Yard Queen Street Gravesend Kent

Description: Change of use to 5 retail units.

Applicant: Pro Estates

Site Visit Date: 20/07/2023

Submitted Documents/Plans

Application Form

001C – Location Plan, Existing and Proposed Block Plan

001A – Location Plan, Existing and Proposed Block Plan

002A – Pre-existing Ground Floor Plan and Front Elevation

003D – Existing Ground Floor Plan and Front Elevation

004 A – Existing Front Elevations

004 B – Existing Elevations

Heritage Statement

Superseded:

~~003 – Existing Ground Floor Plan and Front Elevation~~

~~003C – Existing Ground Floor Plan and Front Elevation~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20181016	Change of use from D2 (community/drop in centre) to A3 (restaurant).	Refused	07/05/2019
20100376	Application for removal of condition 4 attached to planning permission reference number 20090557 (for change of use from shop to community/drop in centre) to allow part of premises to be used for the preparation and cooking of hot food.	Permitted	06/07/2010
20090557	Change of use of shop (Class A1 retail) to a community/drop-in centre (Class D2 assembly & leisure).	Permitted	07/09/2009

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area

- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Area
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings
- S3 – Policy for Maintenance of Shopping Frontages

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

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

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 6 – Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving sustainable development and well-designed places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment
- 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;
- SPG 4 - KCC Parking Standards (2006);
- High Street and Queen Street Conservation Area Appraisal (2009)
- Management Plan for the Gravesend Town Centre Conservation Area (2009)

Consultations, Publicity and Representations

Consultees

Ward Councillors: No comments received.

GBC Conservation Officer: No comments received.

GBC Highways Officer: Retail units in a yard off Queen Street wouldn't be viewed as a Highway issue. Servicing of the local shops already happens and there are public parks around the town.

However, they should provide some cycle parking, I would suggest at the rate of one space per unit.

GBC Environmental Protection: We have no comments with regards to this application.

GBC Licensing: Any business owner who intends on carrying out any licensable activities must obtain the appropriate licence before doing so.

Neighbouring properties

A site notice was placed on the site on 14th August 2023 and an advert posted in the Gravesend Messenger on 8th September 2023. The final date to received comments ended on 29th September. 18no. surrounding properties were consulted, and 0 comments were received from members of the public.

Officer's Analysis

The Key Issues

The key planning considerations in the assessment of this application are as follows:

- The Principle of the Development
- Design and Impact of the Development on the Character and Appearance of the Area including the Queen Street Conservation Area
- Impact on Local Residential Amenity
- Parking and Highway Issues
- Other Material Considerations

Principle of Development

Application reference 20090557 shows that the site has planning consent for former D2 Use (Assembly and Leisure). It is noted that Class D of the Use Classes Order was revoked in 2020. D2 was split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined 'Sui Generis' uses. The use class most closely associated with this site previous use would have been 'Sui Generis'.

The proposal in this case is to convert the site to create 5 retail units, falling under use class E(a). However, upon the site visit it was noted that the proposed works had been undertaken and two of the retail units were in use. The images taken during the site visit as below confirm this.



Policy CS02 Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by: *Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.*

The site is within a highly sustainable location within the town centre and where there is policy support in Policy CS05 (Gravesend Town Centre Opportunity Area) to the provision of new residential development where a satisfactory living environment can be achieved, to the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character; and support to 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.

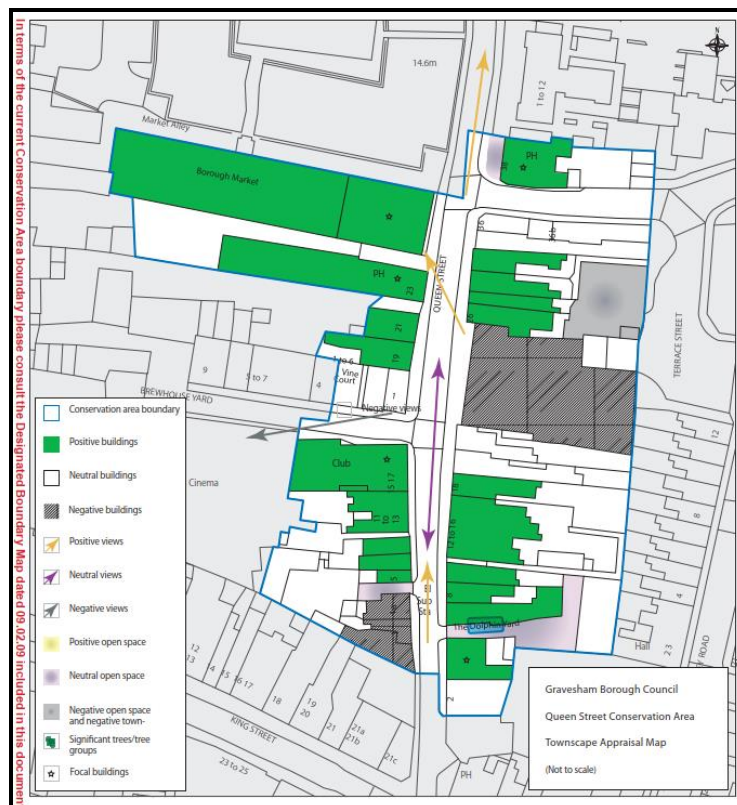
The National Planning Policy Framework (NPPF) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 121 advises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. The application site meets the definition as previously developed land.

The site is also in a Primary Shopping Area as shown on the Policies map. In such areas it would be the preferred location for new retail development as per Policy CS08 of the Local Plan Core Strategy (LPCS).

Design and Impact of the Development on the Character and Appearance of the Area including the Queen Street Conservation Area

The application site is located in the High Street and Queen Street Conservation Area. Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 are relevant. Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Policy TC3 of the Gravesham Local Plan First Review 1994 sets out that development within or affecting conservation areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

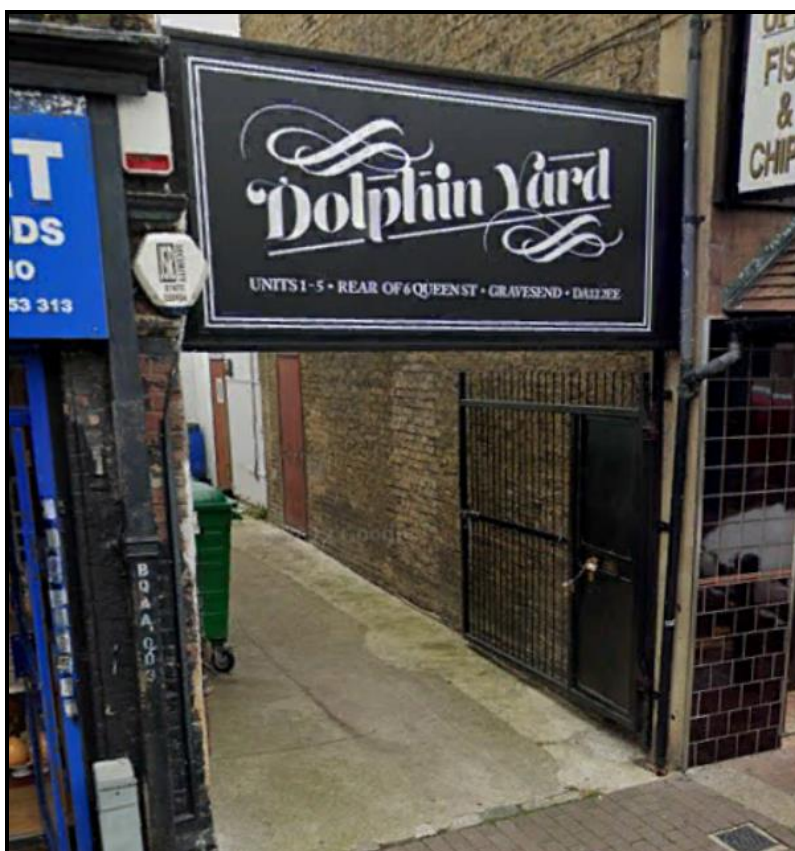
The High Street and Queen Street Conservation Area Appraisal listed Dolphin Yard as a feature whose improvement would strengthen the character of the area. It also noted Dolphin Yard as one of the notable gaps in the building line, along Queen Street which consists of a high-density arrangement. As the map below taken from the Conservation Appraisal shows, the building either side of Dolphin Yard are considered to be positive buildings in the Conservation Area, with positive views fronting.



Google image taken below in December 2020 shows the appearance of the entrance to Dolphin Yard at that time.



The below image taken in November 2022 shows the current appearance of the entryway.



As can be seen, the unwelcoming and oppressive white gate, with graffiti'd signage has been repainted black, which reflects the Reliance Fish Restaurant besides this. It also more appropriately sign posts the entryway to the units. However, the entry corridor is still somewhat unwelcoming and cluttered with refuse bins and when side doors are open, food smells. Despite this at the end of the entryway, the changes made to bring the retail units into use are positive. The grey floor pavers, freshly painted white brickwork, with soft

grey framed shop windows, timber framed open canopy and planters fronting the independent shops offer a positive appearance in stark contrast with its entryway. This is undoubtedly an improvement to the appearance of the area. Whilst from the streetscene the improvement is not extensive, there is opportunity that the use of the independent row of hidden shops would lead to improvement to the entryway in future.

In any case, the scheme overall offers a vast improvement to the character of the Conservation Area. As such, it would be consistent with Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

Impact on Local Residential Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy. Core Policy CS19 requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land. The NPPF 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”.

In this instance, retail and restaurant uses front Queen Street, with residential properties evident along Berkley Road to the rear of the site. The development although completed only resulted in external changes to the front of the property and did not physically impact the neighbours to the rear. Given the previous Assembly and Leisure Use (now ‘Sui Generis’), the change to retail use, is not considered to result in any significant increase in environmental impacts in terms of Noise and Vibration, Smells etc.

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

Parking and Highway Issues

The GB Highways Officer has raised no concerns regarding local parking provision for the additional retail units. Highlighting that the area is currently a high retail area with existing nearby car parking provision.

It is also noted that 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. As such, no of street parking provision would be required for this development.

Therefore, the proposed development would be in line with the provisions of Policy T11 of the Gravesham Local Plan Core Strategy September 2014 and saved Policies P3 and P5 of the Gravesham Local Plan First Review 1994 and Section 9 (Promoting Sustainable Transport) of the NPPF.

Other Material Planning Considerations

Ecology and Biodiversity

The application site falls within 6km 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. It 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 this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

In this instance there would be no increase in residential units and so the SAMM's tariff would not be applicable.

Any Other Material Planning Considerations

Conclusion & Recommendation

The proposed development complies with all relevant national and local planning policies. The recommendation is to approve.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	2 nd October 2023	Dated:	03 October 2023