

Delegated Report

Planning Application

Planning Application No: 20230066

Location: Former Maxfields Storage Bentley Street Gravesend Kent

Description: Change of Use from Restaurant (E) to Flatted Accommodation (C3)

Applicant: Mr Kalvinder Sandher

Submitted Documents/Plans

Planning Application Form;
Design and Access Statement;
Drawing No. 1ABentleyStreet_SiteLocationPlan_V2 – Site Location Plan;
Drawing No. 1ABentleyStreet_ExistingBlockPlan_V2 – Existing Block Plan;
Drawing No. 1ABentleyStreet_ProposedBlockPlan_V2 – Proposed Block Plan;
Drawing No. 1ABentleyStreet_Elevations_V2 – Existing and Proposed Elevations; and
Drawing No. 1ABentleyStreet_Plans_V2 – Existing and Proposed Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
19790157	Permanent retention of a two storey extension at rear for use as a restaurant and preparation room in connection with the existing fried fish shop and restaurant	Permission	21.02.1979

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS05 – Gravesend Town Centre Opportunity Area
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by Conversion
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 4 – Decision Making
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006)
- Milton Place Conservation Area Appraisal (2009)
- SPD – Conservation Areas Maintenance/Replacement Windows and Doors Guidance (2020)

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Consultations, Publicity and Representations

GBC – Environmental Protection

There is a mainly commercial area and as such there are a number of potential noise sources in the area that could impact on a residential premises. These include MOT and car repair/servicing units as well as food premises (kitchen extract systems etc). There is an existing air conditioning unit in the adjoining premises located immediately adjacent to one of the proposed 1st floor windows or a room marked as a study – this could also be used as a 2nd bedroom. This could give rise to noise particularly in warmer months where windows are open and the A/C unit is being used more. In order to assess the impact of these noise sources, a noise assessment is recommended. It may be that in order to achieve suitable internal noise levels, mitigation measures (which may involve mechanical ventilation as an alternative to opening windows in warmer weather) will be needed.

In order to deal with these and other matters, the following conditions and informatives are recommended.

Noise Control

1. Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 - The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
 - The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

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Code of Practice on Construction and Demolition

Please apply as appropriate.

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

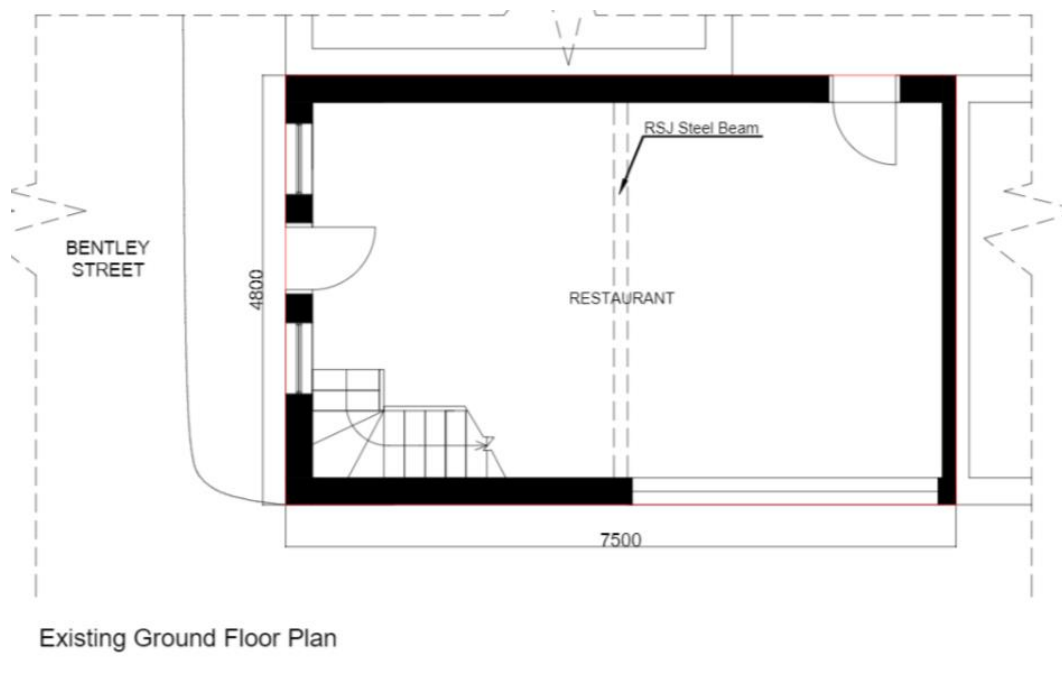
Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC Highways Officer

This is an interesting application, as although the current use is a restaurant the site is listed as the former Maxfields Storage and I can find no application regarding a change in use.

The applicant also refers to a garage, but this does not appear to exist with the restaurant use, the whole of the first floor being used as a restaurant, although the door has been retained.



There is no way of knowing if the roller doors ever served a garage or a simple loading area which vehicles may or may not have reversed in to. Given the constraints on visibility it is not desirable to encourage car parking to occur on site, although cycle and bin storage is required. This has the added advantage of permitting a larger habitable area for the residents. It should also be noted that the depth of the area identified as a garage does not comply with the requirements of SPG4 and so its use as a garage is not deemed appropriate as the use has not been continuous.

Given that this is an edge/town centre building no car parking is required. My recommendation is reduce the width or depth of the garage to that required to safely accommodate a cycle and the refuse bins. The remaining area can then be set aside as habitable space.

Neighbouring properties

Consultation was in the form of individual letters sent to ten surrounding properties with the consultation period expiring on 15th March 2023. No representations have been received.

The Local Ward Councillors were also consulted and no responses were received.

Analysis

Background

As the planning history shows, planning permission was granted for the permanent retention of a two storey extension at rear for use as a restaurant and preparation room in connection with the existing fried fish shop and restaurant in 1979. Therefore the use of the site has always been as Use Class E (restaurant).

Housing Need and Principle of Development

Policy CS02 of the Local Plan Core Strategy (LPCS) 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 dwellings 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 8 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.

The proposed development for a net increase of '1' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers consider that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) 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.

Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 72 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

Character and Analysis

The application site is a two storey building located on Bentley Street which sits directly to the rear of the existing units on Milton Road. The building was given retrospective permission in 1979 and was associated with No. 19 Milton Road which formerly was a fish and chip shop. The building served as a preparation area on the ground floor and restaurant on the first floor.

The site is located in the urban area of Gravesend on the outskirts of the town and is within the Gravesend Town Centre Opportunity Area. Whilst the site is not within the Milton Road Conservation Area, it is on the boundary and therefore Policy CS20 (LPCS) is still relevant in this case.

The building at ground floor has had the original door onto Bentley Street bricked up and only has two high level windows on the front elevation at ground floor and a roller shutter door on the ground floor of the side elevation and two high level windows on the first floor. In terms of the rear and side elevations, due to the proximity to the boundaries of the surrounding properties, with the exception of the existing ground floor door to the garage area, there are no other windows and doors.

Application Site



Conservation Area



The area is characterised by a mix use area, providing a varied supply of retail and commercial uses such as café, takeaways on Milton Road and MOT test centre, vehicle repairs and storage units on Bentley Street. There is an element of residential at first floor level along Milton Road and further north on Bentley Street there is more residential properties.

The proposal is for the conversion of the building to provide 1no. two bedroom residential unit over two floors with a garage and storage area on the ground floor. Whilst the floor plan indicates one bedroom with en-suite and a study room, with a floor area of 7.7m, the study would lend itself as a single bedroom and there is also a main bathroom as well as the en-suite. Therefore the resultant residential unit could be marketed as a 2-bed 3-person unit.

In terms of elevational alterations, on the front east facing elevation, the blocked up centrally located door would be reinstated and the two high level windows on the ground floor would be enlarged and two new windows at first floor level in similar design and location to the ground floor. On the side north facing elevation, the existing roller shutter door would be retained with the existing high level windows enlarged.

The existing garage area would provide a bin store and parking area, with access door the rear. There would not be an internal link door to the main residential unit.

Key issues:

- Principle of Development
- Layout/Design
- Highway issues
- Living conditions for future occupiers
- Impact on amenity of surrounding properties

- Refuse Arrangements
- Developer Contributions

Principle of Redevelopment

The site is located within a mixed use area of commercial and residential located close to the Town Centre. The property is a redundant commercial unit within Use Class E (restaurant) where its loss is not considered to be detrimental, and therefore the principle of converting the building is acceptable subject to according with local and national planning policy.

The proposal therefore accords with and Policies CS05 and CS14 of the Local Plan Core Strategy 2014 (LPCS).

Character and Appearance

CS19 (Development and Design Principles) (LPCS) sets out the design principles which will be taken into account when considering proposed redevelopment proposals. The policy requires new development to be visually attractive, fit for purpose and locally distinctive. In particular, the design of new development should be derived from a robust analysis of local context and character, make a positive contribution to the street scene and the character of the area and integrate well into the surrounding area. At a national level the revised National Planning Policy Framework 2021 (NPPF) in section 12 provides guidance on achieving well designed places.

CS20 (Heritage and the Historic Environment) (LPCS) states that proposals and initiative will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset.

The proposed new windows and doors are of a modern design which are in keeping with others within this area of Bentley Street. The existing timber boarding at first floor level would be retained. Overall the elevational alterations are considered acceptable and would not result in a negative impact on the neighbouring Conservation Area.

In terms of design, the proposed development accords with Policies CS19 and CS20 (LPCS) and paragraphs 130 and 197 of the NPPF (2021).

Impact on Residential Amenity

Paragraph 130 of the revised NPPF (2021) seeks to ensure decisions “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*”.

Policy CS19 (Development and Design Principles) (LPCS) seeks to ensure new development is located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight of its occupants and those of neighbouring properties and land, new development should meet the requirements of the Nationally Prescribed Space Standards in terms of the size of the accommodation being provided based on the level of occupancy, bedroom size and building height and the adopted Residential Layout Guidelines in terms of the appropriate levels of private amenity space for future residents.

Future occupiers:

Internal living space

The current proposal seeks to provide 1no. two-bedroom three person flat, spaced over two floors. Taking account of the nationally prescribed space standards, the gross internal floor area and internal space standards for a unit of this size and layout would require an internal floor area of 70m². The internal floor area of the proposed residential unit would be 44.24m², which falls significantly below the minimum. In terms of individual room sizes, both bedrooms would accord with the minimum floor areas of a double

(11.5m²) and a single (7.5m²). In terms of the open plan kitchen/living area, the Gravesham Residential Layout Guidelines requires a minimum area of 18m². The proposed ground floor kitchen/living area has a floor area of 14.5m², which falls below the minimum.

In terms of daylight, sunlight, outlook and noise, the habitable room windows of the proposed unit at both ground and first floor would face directly onto commercial units of either storage or vehicle repairs. The level of noise, dust and disturbance is considered to be an inappropriate environmental for residential habitation and as such would have a detrimental impact on the occupiers of the proposed unit. It is not considered sufficient conditions could be used to overcome the above concerns.

Overall it is considered that the proposed unit would result in an unacceptable level of accommodation due the overall internal living area, lack of adequate outlook and increase noise and disturbance that would result from being located within a predominately commercial area. The building is therefore considered to be inappropriate for residential conversion due to its location.

Therefore the proposal is contrary with Policy CS19 (LPCS), Policy H5 of the Gravesham Local Plan First Review 1994 (LPFR) and paragraph 130 of the NPPF (2021).

Neighbours amenities:

The existing building is currently vacant and is located away residential neighbouring properties. The surrounding units are of commercial use and it is considered that the proposed elevational alterations and use would not result in a detrimental increase in noise or movements. As such it is considered the proposed external alterations and the proposed residential use would not result in a detrimental impact on any neighbouring property and therefore complies with Policy CS19 (LPCS) and paragraph 130 of the NPPF (2021) in this regard.

Waste Collection

The proposed garage and storage area could provide sufficient bin storage which would allow for kerbside collection which is considered acceptable and in accordance with Policy CS19 (LPCS).

Parking and Highways

In terms of highways, the proposal includes parking provision for one vehicle within the internal garage area. However with a depth of 4.19m the garage would not accord with the minimum parking space standards and would be inadequate for vehicular parking. The site is located on the outskirts of town and with good access to local shops and public transport and therefore would not require private parking. If the permission had been forthcoming, the garage area could be reduced in size to provide sufficient space for cycle and bin storage only. However, as the proposal fails in other areas, revisions were not sought and as such the development would be contrary with Policy CS11 (LPCS).

Ecology and Biodiversity

Thames Estuary and Marshes Ramsar Site and Special Protection Area

The application site falls within 6km of the Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA) which are internationally important for their bird populations. There have been declines in bird populations and studies show that new dwellings within this radius could lead to further declines without the provision of appropriate mitigation measures. Such measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS).

In order to deliver such measures, and in line with Core Strategy Policy CS12 (Green Infrastructure) which gives internationally important areas such as Ramsar and SPA's the highest protection, the Council has decided to impose a tariff of £275.88 per unit on all new developments within 6km of the Ramsar Site and SPA. As this site falls within the 6 km zone, a financial contribution would be required.

The applicant has not completed the SAMMS Mitigation Contribution Agreement or made the required payment. Therefore the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Conclusion

It is considered that the proposal would result in a sub-standard level of living accommodation for future occupiers and the building within this location is not suitable for residential conversion. The proposal would therefore be contrary to both local and national planning policy and is therefore recommended for refusal.

Recommendation:

Refusal

See draft Decision

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

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>A Grout</i>	Signed:	<i>R Hart</i>
Dated:	21 st March 2023	Dated:	23rd March 2023