



Delegated Report

Full Planning Application

Application No:	20230014
Location:	11 - 13 Queen Street, Gravesend, Kent, DA12 2EQ
Description:	Construction of two additional floors with an infill rear extension to provide 5 x 1 bed and 1 x 2 bed flats.
Applicant:	Mr Basra
Site Visit:	2 nd March 2023

Submitted Documents/Plans

Application Form - dated 03/01/2023;
Drawing no. 001 - Rev. A - Site Location Plan with Existing and Proposed Block Plans;
Drawing no. 002 - Rev. A - Existing Plans and Elevations;
Drawing no. 003 - Rev. A - Proposed Plans;
Drawing no. 004 - Rev. A - Proposed Elevations.

Documents/Plans Note

The application has not been supported by a Heritage Statement and should not have been made valid. However, the proposed development is considered contrary to local and national policy, and would not have been supported by the Local Planning Authority if a Heritage Statement were submitted. As such, the agent was not contacted regarding this matter and the application was determined as submitted.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210331	Application for approval of condition 6 attached to planning permission reference number 20200951 relating to the colour of the external flu for the extraction system.	APPROVAL OF DETAILS	14.05.2021
20200951	*REVISED* Application for change of use of part of the building from mixed (retail and restaurant) use to restaurant use only (Use Class E(b) - formerly Use Class A3) and with installation of external extraction equipment at the rear.	PERMITTED	09.03.2021
20191052	Application for the approval of condition 4 attached to planning permission reference number 20190466 relating to details of the layout of the premises (including the amount of A3 floor space).	APPROVAL OF DETAILS	03.12.2019

20190466	Change of use from A1 (retail) to A1 and A3 mixed use.	PERMITTED	13.08.2019
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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
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network
- TC3 - Development Affecting Conservation Areas

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)

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-Making
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 8 - Promoting Healthy and Safe Communities
- Section 11 - Making Effective Use of Land
- Section 12 - Achieving Well-Designed 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)
- High Street & Queen 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 Officer - I have no highway objections this is a town centre location, so no car parking is required. However, to comply with the requirements of SPG4 secure, covered cycle parking should be provided for 5 cycles, (one per flat).

GBC Conservation Officer - The conservation area appraisal offers the following:

7.5 Key unlisted buildings: (Page 18) - A number of unlisted buildings have been identified as being buildings of townscape merit. Buildings identified as having 'townscape merit' will vary, but commonly they will be good examples of relatively unaltered historic buildings where their style, detailing and building materials provides the streetscape with interest and variety. Most importantly, they make a positive contribution to the special interest of the conservation area.

Key unlisted buildings include: - nos.5 to 17 (odd)

8.1. Summary of Character: (Page 20) - Moving north from King Street, Queen Street initially has a rather modern urban appearance with a number of two or single-storey post-war buildings on its western side that are of no special interest. These are followed by a row of four semi-detached two-storey 19th century houses with modern shopfront at ground floor level. Some architectural details such as the recessed brick panels above the windows and a saw tooth cornice on nos. 7 and 9 remain.

(Page 21 - bullet point 4 in the blue box) - The principal features of the built form are:

- Mainly a "domestic" scale of building on narrow plots*

The application site forms half of the row of 19th century houses referred to above, 7 and 9 being the other pair, and is classified as a relatively unaltered historic building making a positive contribution to the interest of the conservation area. The application elevation drawings are somewhat disingenuous in not including the pair of two storey buildings to the south of the site (nos. 7-9), which nos. 11-13 are clearly associated with in terms of height and scale, preferring instead to justify the three storey extension alongside nos. 15-17, which is noted as a focal building in the conservation area appraisal.

The proposals will alter a relatively unaltered historic building that makes a positive contribution to the conservation area. The increase in height will result in a loss of association with the adjacent historic buildings at 7-9 which offer a domestic scale that makes a positive contribution to the character and appearance of the conservation area.

The proposals are considered to cause harm to the appearance of the conservation area due to the alteration and increase in scale of the building, and therefore are contrary to local and national policy.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 18th January 2023. A press notice was also placed in the paper.

In addition, twenty-five surrounding properties were consulted and no representations were received. The consultation period expired 10th February 2023.

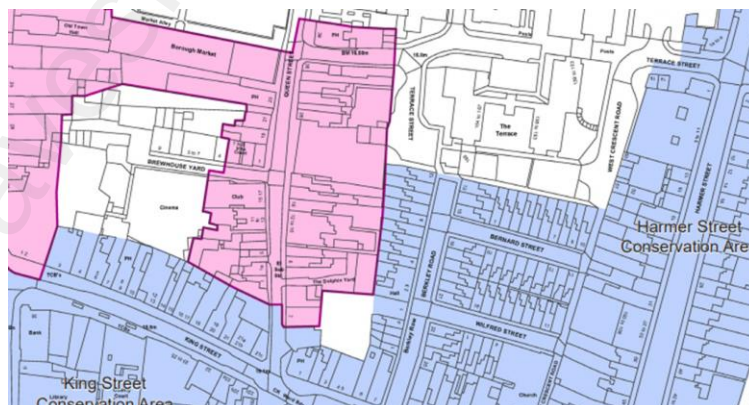
Officer's Analysis

Site Description

11-13 Queen St is a two storey building located on the western side of the street, forming half of a row of 19th century houses. The buildings are in mixed use with a nail salon and Korean restaurant fronting the highway and two residential units at the rear and at first floor level.



The application site is located within the High Street & Queen Street conservation area (designated 17 May 1990) and Berkley Road at the rear is within the Harmer Street Conservation Area. The boundary of the conservation area is shown below:



The High Street and Queen Street conservation area appraisal says:

The narrowness of Queen Street is accentuated by the height of the three to four storey buildings in some places, although there is a more open appearance around the single storey shops at nos. 1 and 1a and Borough Market Hall. At ground floor level there is a crowding effect of irregular shopfronts sitting directly

on a narrow pavement lined by cast iron bollards and parked cars.

Development Proposal

This application proposed a two storey upward extension to the properties to create space for flats (5x one bedroom / 1x two bedroom). This is an increase in no.4 new units.



The extended properties would have an overall height of 11.1m with a mansard roof and three flat roof dormer windows on the front elevation and two dormers on the rear. The extension will have a width of 9.1m and a depth of 14.2m at ground floor and 12.5m at the upper levels.

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.

It is also considered that local adopted policies CS07 (Economy, Employment and Skills); CS15 (Housing Density); and CS19 (Development and Design Principles) provide together an assessment framework in line with the guidance provided by paragraph 53 of the NPPF. Therefore these policies are key to the whether the scheme is appropriate.

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

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated), 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) (2021). 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); and
- 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 '4' residential units would offer an important 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 NPPF (2021) 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.

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.

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 192 dwelling units per hectare thus over the target minimum density, meeting the minimum density. A density calculation of 82 units per HA would be overdevelopment of the site, which might not be in character with the surrounding area, there are other issues that also need to be considered. 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 130 of the NPPF (2021) 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 (2021) 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 197). 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 Chestnut Green 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 119 of the NPPF (2021)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2021). Relevant to this proposal, paragraph 124 of the NPPF (2021) 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.

From a historic building/conservation point of view, the application site forms half of a row of 19th century housing which are relatively unaltered historic buildings, referred to in the Queen St conservation area appraisal as 'key unlisted buildings. Gravesham's Conservation Officer has objected to the proposed development stating that the existing building makes a positive contribution to the conservation area by virtue of its unaltered state, with the proposed upward extension creating a loss of association with the adjacent lower level buildings at nos. 7-9.



The plans provided have failed to include the lower level buildings (nos.7-9), only including the taller buildings located to the north (nos.15-17) to justify the upward extension but failing to provide the wider context of the Queen St conservation area. Notwithstanding this, the adjoining properties (nos. 15-17) are highlighted as focal buildings within the conservation area appraisal, contributing to its character by virtue of their uniqueness. The upward extension hereby proposed would harm the setting of these focal buildings, thus failing to preserve or enhance the character of the Queen St conservation area. Moreover, the upward extension would erode the 'domestic scale' of the conservation area, highlighted as a key feature within the conservation area appraisal.

In weighing the impact of harm, the NPPF (2021) requires great weight to be given to the conservation of designated heritage assets, which include Listed Buildings and Conservation Areas. It states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It draws distinction between substantial harm and less than substantial harm to such an asset. In this case it is considered that substantial harm would be caused. The NPPF (2021) states that in such a case, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The creation of 4 new residential units could be said to be a public benefit, due to the housing need within the borough, however great weight is to be given to the conservation area and heritage assets, and it is considered there would be insufficient public benefit arising from the proposal to offset the identified harm or outweigh the special regard to be had to its preservation under the statute.

Overall, therefore, taking into account all the issues it is considered that the works would fail to preserve the character and appearance of the Queen St Conservation Area. The proposal does not therefore meet the statutory tests of Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) (LPCS), saved Policies TC2 (Listed Buildings) and TC3 (Development Affecting Conservation Areas) of the Gravesham Local Plan First Review (1994) and Section 16 (Conserving and enhancing the historic environment) NPPF (2021).

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 a 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). These figures have been compared to the proposed units and are shown in the tables below:

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (ground floor)	1 (2 person)	50m ²	51.7m ²
2 (first floor)	1 (1 person)	37m ²	43.1m ²
3 (first floor)	1 (1 person)	37m ²	41m ²
4 (second floor)	1 (1 person)	37m ²	41m ²
5 (second floor)	1 (1 person)	37m ²	43.1m ²
6 (third floor)	2 (3 person)	50m ²	71.5m 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 fail to 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 three proposed flats.

	Gravesham RLG (2020)	Flat 1 (ground floor)	Flat 2 (first floor)	Flat 3 (first floor)	Flat 4 (second floor)	Flat 5 (second floor)	Flat 6 (third floor)
Kitchen/Living/ Diner	25.2m ²	31.3m ²	24.7m ²	22.1m ²	24.7m ²	22.1m ²	29.5m ²
Bedroom (double)	11.2m ²	13.8m ²					17.9m ²
Bedroom (single)	6.5m ²		9.8m ²	10.6m ²	9.8m ²	10.6m ²	9.4m ²
Bathroom & w.c.	3.5m ²	5.4m ²	2.8m ²	3.1m ²	2.8m ²	3.1m ²	4.8m 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 a number of rooms fail to meet the minimum floor area recommendations. However, the bathrooms that fall below the minimum recommendation are shower rooms and as a shower basin requires less space than a bath, these rooms are considered acceptable in terms of floor area. Moreover, the undersized kitchen/living/diners are serving single bedroom units and therefore, on balance, a smaller living space would be acceptable and given that the flats accord with the national space standards, would provide adequate living environments.

In terms of external space, the shared garden will have an approximate area with a depth of 15m. This area is large and would provide a good sized amenity space for future occupiers of the building. Moreover, the site is within close proximity to the Riverside leisure area and Gravesend promenade, which offers additional green open space for future occupiers of this development.

The new flats will not be overlooked or overshadowed and the habitable rooms will receive adequate levels of natural light.

The dwellings proposed are not a cramped form of development in terms of amenity, will provide acceptable living conditions for future occupiers, has good access to local amenity spaces in addition to the areas provided on site, and each unit will receive good levels of natural lighting and ventilation. As such, the development is considered to safeguard the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) 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 extending the building upwards by 2.95m and increasing the height to the rear, given the compact nature of built form in the area and no flank windows on the neighbouring properties it would not result in any loss of light, privacy or sense of enclosure or outlook. There are no flank windows on either of the adjoining properties that would be affected.

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 (2021).

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, however this could be conditioned if permission were forthcoming to ensure that details are submitted and approved in writing by the Local Planning Authority. Therefore, this 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.

The submitted plans do not show a bin/refuse area, however there is sufficient space in the rear of the site for bin storage. The rear of the site is accessed by an alleyway which is outside of the redline plan, but is used to access the upper floors of the building and is where the existing service area / bin store is located for the shop units on the ground floor. Therefore, it is considered to be an appropriate location for a refuse area for the new flat units provided as part of this development.

If permission were forthcoming planning conditions would be attached to the decision requiring details of the refuse area and collection strategy to be submitted and approved in writing by the Local Planning Authority. Therefore, this is not sufficient grounds to refuse the application.

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 £275.88 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 (x4) 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 £275.88 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 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

On Site Biodiversity - The proposed block plan demonstrates that the rear garden area is soft landscaped, however includes very limited detail. If permission were forthcoming, conditions would ensure that hard and soft landscaping schemes are submitted and approved in writing by the Local Planning Authority. This would ensure that the biodiversity net gain requirement of Section 15 of the NPPF (2021) is achieved and that a good quality private amenity space is provided for future occupiers.

Conclusion

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

The proposed development would fail to preserve or enhance the character and appearance of the Queen Street Conservation Area and would have a harmful impact on the setting of the adjoining focal buildings, by virtue of eroding the domestic scale of the area and encroaching upwards and being cramped against the focal buildings. Moreover, the development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas.

Therefore, it is recommended that this application is refused.

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:	2 nd March 2023	Dated:	03 March 2023