



Delegated Report

Full Planning Application

Application No:	20240739
Location:	2 Milton Road, Gravesend, Kent, DA12 2RE
Description:	Erection of a ground floor rear extension and conversion of the first and second floor to create a two bedroom self-contained flat, erection of front and rear dormer windows, alterations to the shop front and insertion of a new timber sash window on the front elevation.
Applicant:	Mr Rajwinder Singh
Site Visit:	N/A Desktop Assessment

Positive and Proactive Decision Making

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) (2024), the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area.

The application site is in disrepair and not in use following a serious fire in 2022, and following a previous refusal and in the interest of positive and proactive decision making the Local Planning Authority have undertaken negotiations with the applicant to bring forward a policy compliant development creating a new residential unit whilst retaining an A1 retail use on the ground floor.

As part of the negotiations the Local Planning Authority set out a number of concerns with the proposal, based on the waste provision, design impacts on the Conservation Area and amenity of future occupiers. The alterations requested were in relation to the dormer, shopfront, internal layouts and bin store, and in addition, to attempt to mitigate discharge of condition applications, further details and information were requested in terms of noise assessment. The agent provided the required plans and information, however as set out later in the report some details are not sufficient and require mitigation in relation to noise/air quality considerations, as such conditions will be attached to ensure that these are approved in writing by the Local Planning Authority.

Submitted Documents/Plans

- Application Form – dated 09 August 2024;
- Planning and Heritage Statement by Heritage unlimited (ref. 2407.1539) (dated 08 August 2024);
- Noise Impact Assessment by Sonic Element Ltd (dated 17 January 2025);
- Drawing no. (24)06/04-EX01 – Rev. A – Existing Plans and Elevations;
- Drawing no. (24)06/04-PL01 – Rev. E – Proposed Plans and Elevations.
- ~~Drawing no. (24)06/04-PL01 – Rev. A – Proposed Plans and Elevations – SUPERSEDED;~~
- ~~Drawing no. (24)06/04-PL01 – Rev. B – Proposed Plans and Elevations – SUPERSEDED;~~
- ~~Drawing no. (24)06/04-PL01 – Rev. C – Proposed Plans and Elevations – SUPERSEDED;~~

Relevant Planning History

Reference	Description	Decision	Decision Date
19860052	Erection of single storey rear extension to form dispensary and internal alterations	PERMITTED	04.04.1986
19750669	Display of an illuminated fascia sign	REFUSED	18.11.1975

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 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- 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

External Consultees

Kent Fire and Rescue Service – I can confirm that on this occasion it is my opinion that the access requirements for the Fire and Rescue Service appear to have been met. Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Internal Consultees

GBC Environmental Protection (Regulatory Services) –

First Comment (29 August 2024) – The following comments and recommendations are made.

Noise:- The property is in a busy location adjacent to the A226 one-way system which is heavily trafficked. Consideration needs to be given by the applicant to traffic noise and also noise associated with the late-night economy (people coming and going from late night pubs, bars, restaurants, takeaways in the town centre) and also any commercial noise sources in the area.

Noise from early morning or out of hours deliveries to commercial premises in the area may also give rise to noise.

Being an older property, it is possible that the sound insulation quality of the internal floor/ceiling and also wall partitions may not be that robust. Suitable and sufficient sound insulation between the flats needs to be ensured.

To address noise concerns, a noise impact assessment will be required. The assessment must address the impact of the following on the residential amenity of any future residents of the proposed flats and be undertaken in accordance with the relevant standards and guidance including BS 8233:2014 and BS4142:2014:

- Traffic noise
- Noise from any fixed building services/mechanical plant/equipment etc noise associated with any nearby commercial uses
- People noise associated with the use of the late-night town centre uses at night
- Early morning delivery noise to commercial uses
- Internal noise/sound insulation
- Noise from any mechanical ventilation systems if required as a mitigation measure for air (see below)

The quality and the standard of the sound insulation properties of the building should be assessed to ensure that future residents are not impacted by internal noise eg noise from the commercial premises on the ground floor. To address this, the noise assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use. This should resist the transmission of airborne sound such

that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

The assessment should look at any required mitigation measures to ensure that internal noise levels are appropriate. Overheating and ventilation must also be considered in the design of any mitigation.

Air Quality:- This area is within the A226 One Way System Air Quality Management Area (AQMA) declared for exceedances of the annual Air Quality Objective (AQO) for nitrogen dioxide (from traffic). As such, new sensitive receptors will be introduced into an area recognised as having poor air quality. In this respect, air quality is considered to be a material planning concern, and measures need to be investigated and put into place to ensure that there is no detrimental impact on future occupiers of the flats. A suitable scheme of air quality mitigation measures needs to be considered and submitted with any formal application to ensure that appropriate and robust measures are capable of being put into place.

As habitable rooms of the flat front the A226, an appropriate scheme is likely to include the requirement for rooms with windows facing the roadside to be upgraded and sealed so as to prevent pollution from entering the residential units and a MVHR system be installed as a means of alternative ventilation and cooling. This will also provide the occupants with choice i.e. to close windows to shut out noise from traffic or people making use of the night-time economy.

As with other proposed residential premises in Milton Road/this area, if it is considered that the Noise Impact Assessment and noise mitigation measures, and the air quality mitigation scheme cannot be required and submitted prior to determination, then we would be minded to recommend that any application be refused on the grounds of poor environmental/living conditions for future occupants due to the noise and air quality of the location. Also, being a conservation area, measures that we may consider acceptable for dealing with noise and air quality issues, may not be acceptable to the conservation officer.

Recommended conditions are as follows:

External Noise:

- a) A noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 - 1. The internal ambient noise levels in all habitable rooms, particularly the roadside rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014
 - 2. 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.
 - 3. The rating noise from fixed building services/mechanical plant/equipment, including any air systems, associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

The noise impact assessment must take into account traffic noise, mechanical plant and equipment associated with commercial activities, air systems that are required, as well as the night-time economy.

Where compliance with these criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round.

- b) Prior to first occupation of the flats, a suitable post-completion demonstrating compliance with a) shall be submitted to and approved, in writing, by the Local Planning Authority

The approved details shall be maintained for the lifetime of the development.

Internal noise:

Prior to the first occupation of the flat, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions, adjacent party wall partitions and the partition between the commercial on the ground floor and the flat above.

The sound insulation performance of partitions between the floors of the flat and any adjacent residential property shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

The construction that separates the residential and commercial unit shall aim to resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation. Overheating and ventilation must also be considered in the design of any mitigation.

Air Quality:

- a) The applicant must submit a scheme of air quality mitigation for approval which should include the installation of an air system which positively pressurises the residential unit i.e. brings in more air than it extracts so that no air seeps into the residential unit through the fabric of the building or doors when people are entering and leaving etc. This requirement applies to the rooms on the first and second floor roadside of Milton Road. The scheme must include the following:
- a heat exchange unit,
 - noise attenuation
 - must bring in air from the upper most and furthest point away from the source of pollution i.e. the traffic on Milton Road, and
 - must be sited away from other pollution sources e.g. flues, soil and vent pipes and must not bring in odour from any commercial extraction system.
 - Windows to the affected rooms on the 1st floor shall not have trickle vents and shall be fixed shut.

The applicant will be provided with the checklist of points that must be considered and included in the scheme and which must be adequately demonstrated to the LPA by the submission of required information, plans, commitments etc. in order for the scheme to be approved.

- b) The approved scheme must be installed, before occupation. The installed scheme must be commissioned, before occupation, by an independent ventilation engineer to ascertain if the flow rates are correct and that it is fit for purpose i.e. that it fulfils its purpose of positively pressurising the residential units so that pollution cannot enter from the roadside and is not drawn into the property through the air system. The commissioning report must be submitted to the LPA including a signed declaration from the engineer that they are satisfied that it is fit for purpose it has been required for i.e. prevention of air pollution entering the building.

The LPA will visit the site following commissioning to ensure the approved systems are installed, seen

working and are in the correct residential units etc.

- Code of Practice on Construction and Demolition: - Please apply to prevent nuisance from noise and dust during the conversion and construction occurring to nearby premises.
- 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.
- Asbestos informative: - Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenities of the surrounding area and safety.

Second Comment (13 February 2025) – I've reviewed the submitted NIA. The methodology is acceptable – appropriate noise measurements have been taken and reference to the relevant standards and guidance made.

In order to ensure that the levels in BS8233:2014 area complied with, various works and specifications are recommended to both the existing building and the rear extension. Design criteria is also proposed for new cavity perimeter walls (section 8.2), acoustic treatment to existing walls (section 8.3), acoustic treatment to the roof and dormer (section 8.5), specification for internal doors (section 8.6) and glazing (new double glazing units are proposed in section 8.7).

With regards to sound insulation between the commercial floor and flat above, an uplift of +7dB to the minimum requirement in Approved Document E has been recommended and this is acceptable. The acoustic treatment to the separating floor between the 2 is given in section 8.4 of the report but basically involves the installation of a suspended and insulated ceiling arrangement (Fig 7) throughout the ground floor.

The report also confirms that suitable internal noise levels cannot be achieved with windows open on all facades (even partially) either during the day or night. Recommendations for various options for alternative ventilation are recommended in section 8.8. The report does mention that windows should be left openable to enable purge ventilation. However, as the property is within an AQMA, this is not appropriate. Nor is the fitting of trickle vent – acoustically treated or otherwise. The report does indicate that a type 4 ducted MVHR system or an acoustically attenuated ventilator for each habitable room such as Titon Sonair may also be suitable. A ducted MVHR system will need to have inlet ducts at the rear or on the roof of the property to avoid polluted air coming in.

With these mitigation measures in place, appropriate internal noise levels will be achieved making the scheme acceptable from a noise perspective. The requirement for this mitigation to be installed prior to occupation should be placed on any permission as a condition (I can suggest some wording if needed).

However, these measures may not be acceptable to conservation, so this should be checked. I would also draw your attention to the advice and recommended condition given in the consultation response dated 6th September regarding air quality. If conservation have concerns regarding a ducted MVHR system, the full details of this should be submitted for approval prior to determination to ensure that a system that meets our requirements is acceptable to them.

GBC Conservation Officer – There is a fundamental problem with refuse collection that needs to be addressed. There is no easy solution to this as the shop front is narrow and does not offer a means of achieving an acceptable design solution acceptable to the appearance of the building and conservation area. The dormer window is inaccurately detailed and appears out of proportion, with heavy/thick dormer cheeks.

***Following revisions – the Conservation Officer is happy to proceed with the design and for matters to be dealt with through planning conditions, including joinery, shopfront, air quality and noise mitigation.*

GBC Waste and Recycling Manager – Generally I would like to see the commercial and domestic bins separate but looking at the plans this is not possible. I am happy in principle with the proposal, we just need to make sure that the bins are labelled domestic or commercial in an attempt to keep the waste streams separate.

Local Ward Councillors – No comment received.

Neighbouring properties

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

In addition, twelve surrounding properties were consulted and no representations were received. The consultation period expired 03 October 2024.

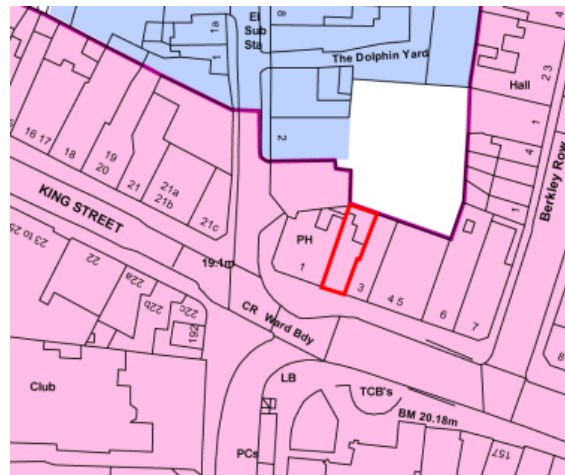
Officer's Analysis

Site Description

The application site consists of a two storey building on the north side of Milton Road, in lawful as an A1 retail with associated storage above.



The site is situated within the King Street Conservation Area.



The site is immediately adjacent to the Grade II Listed Building (New Inn – 1 Milton Road) and opposite the Grade II Listed St John’s RC Church. The building itself forms 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.

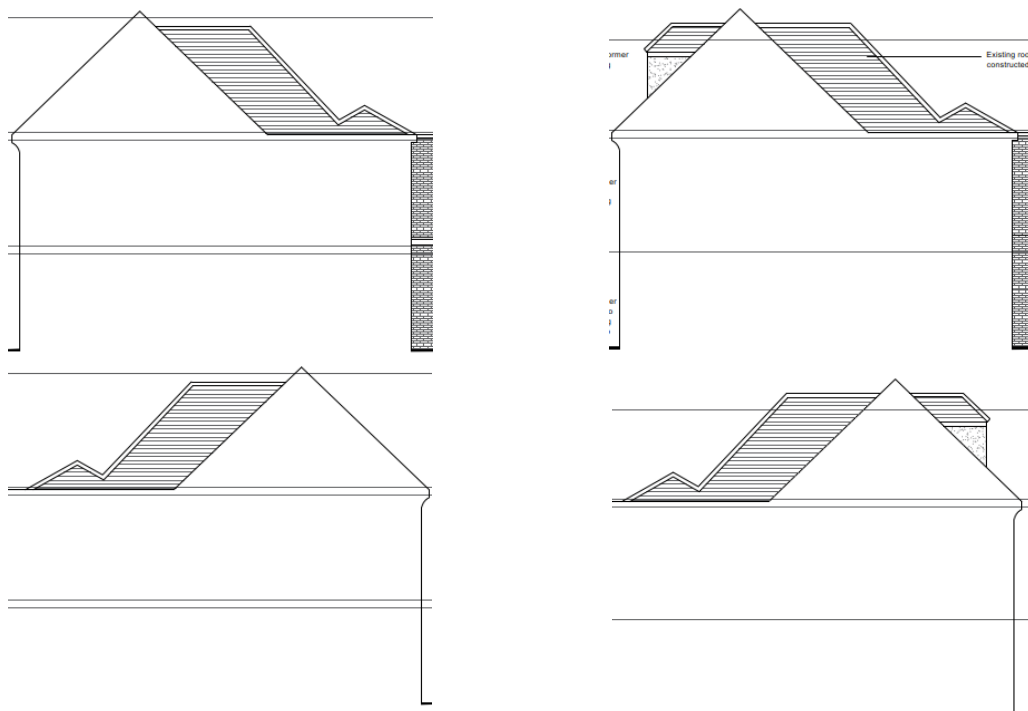
The application site was damaged in a fire at the New Inn, in May 2022.

Development Proposal

This application proposes the erection of a single storey rear extension and repairs to the building, which include alterations to the shopfront, front dormer and other internal alterations to create a new residential unit. As aforementioned, the site was damaged by a fire in 2022.

The proposed development would create a flat on first and second floor levels, containing two single bedrooms, with the ground floor retained as a Class A1 shop. The below screenshots demonstrate the changes to the 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 the Conservation Area
- Residential 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) (2024) 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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 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) (2024). This requires that in regard to housing development, planning permission should be granted unless:

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 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 194)
- 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 75)
- 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 129(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 '1' residential units would offer a small 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 (2024) 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 and the approved conversion (as shown on the proposed floor plans), the overall density of the development would be circa 127 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, impact on the Conservation Area and amenity. The site is also within an edge of 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 (2024) 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 (2024) 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 219). 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 First Review (LPFR) (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 (LPFR) 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 124 of the NPPF (2024)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2024). Relevant to this proposal is paragraph 135 of the NPPF (2024) 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 non-designated heritage asset 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 changes to the external appearance of the building on the front elevation include replacement dormers and windows, with alterations to the shopfront, and would include replacement materials such as render and tiles.

The alterations to the shopfront were subject to lengthy negotiations to include a waste store for the residential and commercial uses. To accommodate the store, a false shopfront will be introduced with the bins screened behind etched frosted glass and cast-iron metal grills for ventilation, with a new doorway introduced. Notwithstanding the proposed false shopfront being acceptable, conditions will be attached to ensure that details are submitted and approved in writing. Further to this, no information has been provided in relation to any lighting on the shopfront, as such a condition will be attached to ensure that appropriate lighting is submitted and approved in writing to preserve the Conservation Area.

The Conservation Officer reviewed the proposal as originally submitted and requested a number of changes, including reducing the size of the dormer and alignment of the window and alterations to the shopfront to create an integral bin store. The comments were shared with the agent and following negotiations revised plans were submitted, which demonstrate the changes requested, however lack

certain details for the shopfront or joinery details. Therefore, conditions will be attached to ensure that notwithstanding the supporting information, details are submitted to and approved in writing by the Local Planning Authority.

The proposed development will preserve and enhance the character of the Conservation Area by virtue of bringing a building damaged by fire back into good condition with appropriate materials and details to be secured through conditions. Therefore, subject to conditions, the proposal meets the statutory requirement of S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and is in accordance with saved policy TC3 of the Local Plan (1994), Policies CS19 and CS20 (LPCS) and Section 16 of the NPPF (2024).

Residential Amenity

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). Paragraph 198 of the NPPF (2024) seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS), which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land and avoid adverse impacts from pollution.

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). 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 (ground floor)	2 (2 person)	50m ²	60m 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)	Proposed Flat
Kitchen/Living/Diner	25.2m ²	25.25m ²

Bedroom (single)	7.5m ²	7.5m ²
	7.5m ²	10.2m ²
Bathroom & w.c.	3.5m ²	2.9m 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 all rooms in the flat comply with the RLG, with the exception of the bathroom. The bathrooms/wc is undersized but are annotated on the plans as shower rooms and due to a shower basin occupying less floor area than a bath, are not considered to impact amenity. Therefore, on balance, the proposal would provide a suitable living environment for future occupiers and the proposal is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Although there is no amenity space provided for future occupiers, the building is within walking distance of open spaces at the Riverside leisure area and the Gravesend Promenade, which is considered to overcome any concerns with the amenity space provided in this development.

Impact on Surrounding Properties

There is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure. Moreover, the proposed mixed use aligns with the adjoining properties and there are not considered to be any adverse noise impacts resulting from the development.

As such, the proposal is considered to safeguard the amenity of surrounding residents in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

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.

No secure cycle storage is shown on any of the plans provided. There is also no side access to achieve secure cycle storage to the rear, without dragging cycles through the property. This is contrary to Gravesham's adopted parking standards (SPG4) (2006), however it is unlikely that this would be sufficient grounds to refuse the development, given the nearby location of public cycle lockups.

Overall, on balance the proposal is considered acceptable as a car and cycle free development given the proximity to the town centre and public bicycle lockups.

Any Other Material Planning Considerations

Noise

The application site is in Gravesend Town Centre, close to a heavily trafficked and often congested road on the one way system and on one of the main routes by people to accessing late night licensed and takeaway premises.

As such, the potential for noise disturbance for future occupiers is a material consideration. Gravesham's Environmental Protection Team have reviewed the supporting noise impact assessment and have recommended that planning conditions are attached to ensure that noise impacts do not harm the amenity of future occupiers of the flat.

Therefore, subject to these matters being secured by condition, the proposal will safeguard the amenity of

future occupiers through acceptable noise management in accordance with Policy CS19 (LPCS).

Air Quality

The application site is located within the A226 one way system Air Quality Management Area (AQMA). This area is declared for exceedances of nitrogen dioxide from traffic above annual air quality objectives, and the development would introduce residential units into an area with poor air quality.

Environmental Protection Officers have requested that the windows fronting Milton Road are upgraded and sealed to prevent pollution entering residential units, with a mechanical heat and ventilation system (MVHR) to be installed as a means of alternative ventilation and cooling. This can be secured through a planning condition.

The requirement of this condition will mean that the window details provided will likely require amendment and therefore a condition requiring revised window joinery details will be attached to the decision notice, to be approved in writing by the Local Planning Authority, to ensure that the units meet noise and air quality requirements while preserving the quality of the heritage asset.

Therefore, subject to these matters being secured by condition, the proposal will safeguard amenity of future occupiers through good air quality in accordance with Policy CS19 (LPCS).

Waste Management

The provision of suitable arrangements for waste storage is required for all new residential development and adequate waste storage must be provided for both the residential and commercial uses.

The proposal includes a shared bin store for the flat and commercial unit, behind the false shopfront. The bins provided are adequate for the size of the commercial unit and residential flat, with no objection raised by GBCs Waste and Recycling Manager, subject to labelling to keep waste streams separate. There will be a standard waste informative attached to the decision notice.

Therefore, the proposal provides adequate waste storage and is in compliance with Policy CS19 (LPCS).

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

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 £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an 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 £328.27 per new dwelling unit.

The applicant has paid the SAMMS Mitigation Contribution Agreement for the new residential property and therefore has met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 193) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

Subject to conditions the proposal would not cause harm to the character, architectural or historic interest of this non-designated heritage asset or the setting of the adjoining Listed Building. Although there are a number of changes to the appearance of the building, the proposal follows similar characteristic of the original features and would preserve the character and appearance of the Conservation area, subject to conditions for additional details to be submitted. Furthermore, the development will safeguard the amenity of future occupiers, by providing acceptable living conditions, subject to introducing noise and air quality mitigation, as well as adequate waste storage. There is no impact for neighbouring residents nor the highway network.

As such, it is recommended that permission is granted subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	5 th March 2025	Dated:	6 th March 2025