



Delegated Report

Full Planning Application

Application No: 20220340

Location: Land Adjacent 2 Milton Place, Gravesend, Kent

Description: Erection of a three storey building to form 4no. apartments consisting of 2no. one bedroom and 2no. two bedroom with associated parking court.

Applicant: Mr Dennis Onyett

Site Visit: 25th November 2021

Submitted Documents/Plans

Application Form - dated 15/03/2022;
Covering Letter - dated 14/03/2022;
Design and Access / Heritage Statement - dated 03/2022;
Drawing no. 3320-001 - Rev. E - Site Location Plan and Existing and Proposed Block Plans;
Drawing no. 3320-002 - Rev. C - Proposed Floor Plans;
Drawing no. 3320-003 - Rev. B - Proposed Front Elevation and Street Scene;
Drawing no. 3320-004 - Proposed Side and Rear Elevations;
Drawing no. 3320-004 - Existing Elevations;
Drawing no. 3320-006 - Existing Site Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20050006	Application for Lawful Development Certificate for the breach of condition (iv) and (v) of planning permission reference number GR/88/228 for the erection of a four storey building to form six self-contained flats, regarding the submission of landscaping scheme and samples of the facing bricks and roofing slates and specification of front elevation joinery details before the development was commenced.	CERTIFICATE REFUSED	08.03.2005
AP 2005/00003/ REF		APPEAL DISMISSED	07.07.2005
20040961	Application for Lawful Development Certificate for the breach of conditions (iv) and (v) of planning permission reference number GR/88/228 for the erection of a four storey building to form six self contained flats, regarding the submission of the landscaping scheme and samples of the facing bricks and roofing slates and specification of front elevation	CERTIFICATE REFUSED	21.12.2004

	joinery details before the development was commenced.		
19880228	Erection of a four storey building to form 6 No. self-contained flats and formation of car parking to the front and rear.	PERMITTED	14.09.1988
19830670	The erection of a three storey extension to the Globe Public House to form recreational facilities including caretakers flat granny and teenager annexes committee room club room toilets and store including gymnasium hall at rear with sloping roof from two	PERMITTED	26.03.1984
19750276	Change of use of gymnasium to warehouse	REFUSED	08.07.1975

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale and Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development and 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 15 - Conserving and enhancing the natural 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)
- Gravesend Town Centre Conservation Areas Management Plan (2009)
- Milton Place Conservation Area Appraisal (2009)

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

External Consultees

KCC - Heritage - The site has general background archaeological potential as well as more specifically with respect to the post-medieval and modern development of this area of the town. Groundworks at the site are likely to reveal below-ground archaeological remains, though these may have been impacted by the most recent development at the site. I therefore recommend that if planning permission is granted the works are subject to a Watching Brief secured by the following condition:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Local Ward Councillors - No comment received.

Internal Consultees

GBC - Conservation Officer – I have had a chance to review the proposal and have the following comments. The stair outrigger roof looks incongruous and would be improved by adopting a hipped roof with no eaves overhang and lead rolls to the ridge and hip. Also, there should be gable upstands at either end with at least 4 chimney pots on the stacks. Bonded or flat brick arches to all brick faced window openings would also be preferable.

<https://iglintels.com/products/brick-slip-feature-lintels/>



GBC - Regulatory Services (Environmental Protection)

Code of Practice on Construction and Demolition - Please apply

Watching Brief - The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Lighting - Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

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

Electric Vehicle Charging Point(s) - This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwellings in support of the Council's commitment to become carbon neutral by 2030.

GBC - Highways Officer - This is an edge of centre development so no car parking is required and more amenity space could be provided. The cycle parking would have to be retained. However, I have no objections to the layout as proposed.

GBC - Waste & Recycling Manager - I have reviewed the attached planning application and I do have some concerns about the distance for the moving of bins which is over 40 metres.

Have they specified whether they will be providing large bins or standard wheelie bins for this development? One option could be that each property has a suite of wheelie bins each and it is their responsibility on collection day to move these to the front of the property for collection? As it is 4 flats, there would need to be 8 bins plus food caddies.

The other problem of moving bin(s) 40 metres is that we would be blocking the entrance to Milton Place for longer than normal.

Neighbouring properties

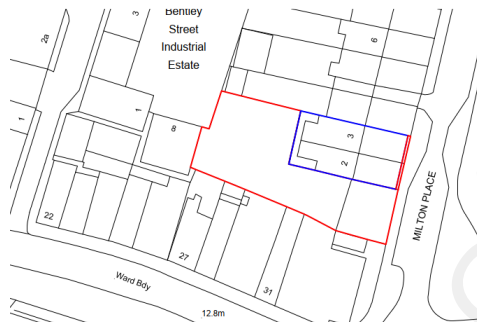
An advert was published in the local paper and a notice was displayed on site 13th April 2022.

In addition, twenty-seven surrounding properties were consulted and no representations were received. The consultation period expired 13th May 2022.

Officer's Analysis

Site Description

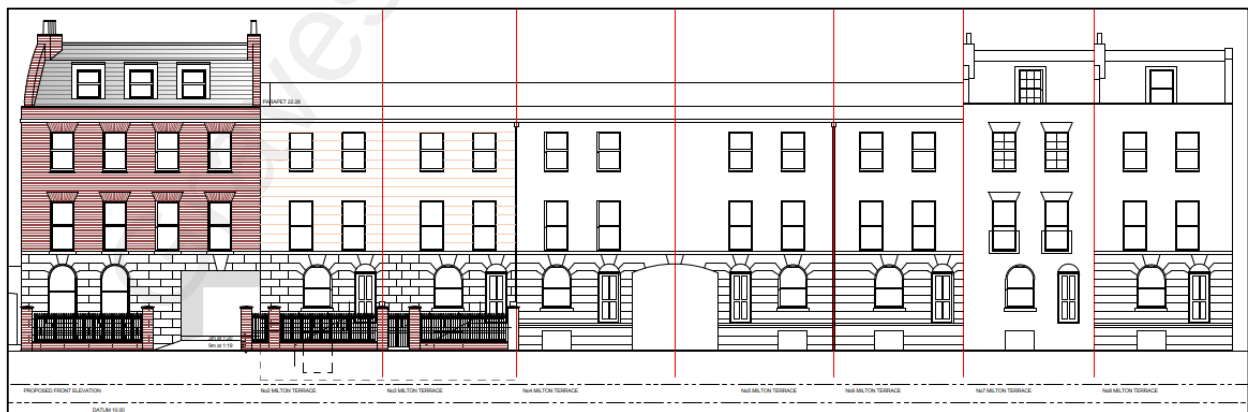
The site is an undeveloped plot of land adjacent to a three/four storey terrace on Milton Road. The site is located close to the junction of Milton Place and Milton Road. Its curtilage of site widens at the rear behind the adjoining properties nos. 2 and 3 Milton Place.



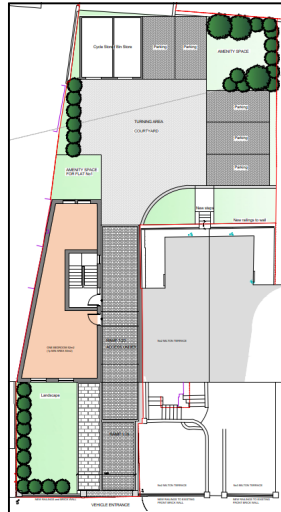
The site has been subject to planning permissions for similar redevelopment in the 1990s. These planning permissions were never implemented and subsequent lawful development certificates were refused, and later dismissed at appeal. Due to the previous applications being determined under a historic planning policy context they hold limited weight in the planning balance.

Development Proposal

This application proposes to construct a three storey end of terrace block with a mansard roof level. The block will contain four residential units of accommodation, consisting of no.2 two bedroom units and no.2 one bedroom units.



The block will have an overall footprint of 106.35m², a width of 9.9m and a depth of 14.45m. It will have a maximum height of 12.8m and an eaves height of 10.15m. There will be an area of amenity space at the rear, which includes a cycle/bin store and 5 car parking spaces. There is an access to the rear under the first floor level.



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 within the statement published here), 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 a moderate but important contribution towards meeting this local need and, accordingly, officers consider 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.

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 82 dwelling units per hectare thus over the target minimum density, meeting the minimum density. A density calculation of 82 units per HA could 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.

Key Issues

The principle considerations in the assessment of this application are:

- Principle of Development
- Design, Character and Appearance
- Impact on the Milton Place Conservation Area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Principle of Development

This proposal seeks to construct a three storey block with a mansard roof and create four new residential units of accommodation. The development adjoins the existing terrace on Milton Place and includes a vehicular access through to parking and amenity area at the rear.

The site is located within the Town Centre Opportunity Area (Policy CS05) and the Milton Place Conservation Area. As such, a key consideration in any future application will be if the development preserves or enhances the character and appearance of the Conservation Area (Policy CS20).

It is also considered that local adopted policies CS14 (Housing Type and Design); 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.

Design, Character and Appearance

Policy CS19 (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The proposed development will replicate the front elevation of the adjacent terrace, but will mirror the end block with a mansard roof, dormer windows and chimneystacks. Currently the terrace is unbalanced, with the end blocks (nos. 7 and 8) having different roof forms to the other blocks. Therefore, by mirroring the end two blocks of the Milton Place terrace, the proposed development will bookend the terrace and create a symmetrical appearance. The proposal will include an under-croft vehicle access through to a parking area at the rear, this will be similar to an existing arrangement within the terrace.

Moreover, the development will reinstate the boundary railings and brick pillars across the front of no.2 Milton Place and the new development. The site plan includes the area of land to the front of no.2 Milton Place within the redline plan. The railings and pillars are a characteristic of other properties within the terrace and contribute to the Conservation Area, and the frontage of no.2 Milton Place without any railings is evidence of the harmful impact on the quality of the Conservation Area. Therefore, the reinstatement of railings and brick columns across both no.2 Milton Place and the new development will positively contribute to, and enhance, the street scene and Milton Place Conservation Area. A condition will be attached to the decision notice to ensure that details are submitted and approved in writing by the Local Planning Authority, and then installed prior to first occupation of the development.

The development will create 4 units, with a mix of 1 and 2 bedroom flats. This is considered to be an appropriate dwelling mix for Policy CS14 (LPCS) and due to the site being within the urban area is at an acceptable density in accordance with Policy CS15 (LPCS).

Overall, the proposed flats will replicate the existing building of the terrace and by virtue of considered design will finish the terrace by mirroring the roof arrangement of the end blocks, creating a symmetrical and balanced appearance. The materials proposed will be similar to those used on the other buildings, however will be conditioned to ensure that the Local Planning Authority are provided with samples and these materials are approved in writing. As such, the proposal is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Impact on the Milton Place Conservation Area

As aforementioned in the design section above, the proposed development will replicate the existing terrace. The site is within the Milton Place Conservation Area, and therefore must be considered to preserve or enhance the character of the area. The Conservation Officer raised no objection to the development, subject to minor alterations, which included; introduction of chimney pots and a hipped roof to the rear outrigger, with no eave overhang. After negotiations with the architect, revised plans were submitted that addressed the areas of concern. As aforementioned, the proposal will reinstate front boundary railings and brick columns to the front of the development and no.2 Milton Place, which will enhance the quality of the Conservation Area. Therefore subject to conditions, the application passes statutory test of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and is in accordance with Policy CS20 (Heritage and the Historic Environment) (LPCS) and Saved Policy TC3 (Development Affecting Conservation Areas) (LPFR) and Section 16 (Conserving and Enhancing the Historic Environment) (NPPF).

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 mix in terms of size and according to the submitted documents, will be inhabited by a different number of persons (refer to Table 1 - below). The national housing standard guidance provides minimum gross floor areas for single storey dwellings, breaking down the number of

bedrooms and bed spaces (persons). However, the guidance does not provide a figure for a two bedroom, two person dwelling. The figure for two bed, three person dwelling will be used to compare to the proposed floor area, this is due to the bedrooms having double beds depicted on the floor plans. Similarly, the one-bedroom unit will be assessed as units for two persons as a maximum.

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (ground floor)	1 (2 person)	50m ²	52m ²
2 (first floor)	2 (4 person)	70m ²	77m ²
3 (second floor)	1 (4 person)	70m ²	77m ²
4 (third floor)	1 (2 person)	50m ²	52m ²

Table 1 - Unit Floor Area Breakdown

As shown in Table 1, if the flats are assessed at maximum capacity and all units would comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation that safeguards the amenity of future occupiers. However, 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 (second floor)	Flat 4 (third floor)
Kitchen/Living/Diner	25.2m ²	21m ²	36m ²	36m ²	27m ²
Bedroom (double)	11.2m ²	16m ²	12m ² 16m ²	12m ² 16m ²	12m ²
Bathroom & w.c.	3.5m ²	4.35m ²	4.35m ²	4.35m ²	4.85m 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 the majority of rooms are in accordance with recommendations and will provide acceptable living conditions for future occupiers, with the exception of the living area for Flat 1. However, there is no figure provided within the RLG for a combined kitchen/living/diner, this was calculated by adding the minimum living/diner (18m²) with the minimum kitchen (7.2m²). Therefore, even though the kitchen/living/diner is undersized in Flat 1, given that the other rooms and floor area exceed local and national recommendations, on balance this is considered acceptable.

In addition, the corridors within the development all exceed the minimum 0.9m set out in the RLG.

At the rear of the block there is some amenity space provided for the occupants of the flats, however this is not of good quality due to the surrounding parking and bin stores. Nevertheless, the block is within close proximity to the Riverside leisure area and Gravesend promenade, which is considered to overcome any concerns with the amenity space provided in this development in this town centre location.

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

The proposed block will be constructed up against the site boundary to the south. There are residential units above the Cream's café and other residential units above the shops on Milton Road. The development will be within approximately 3.9m of the units above Cream's. However these are dual aspect flats and the windows closest to the block are north facing. Therefore, the proposed development is not considered to result in overshadowing. Similarly, the development is not considered to result in any loss of light to the properties above the shops on Milton Road. The rear windows of these units are approximately 8.8m from the proposed development.

There are no flank windows proposed in the block that are considered to impact on the privacy of neighbouring properties.

As such, the proposed development is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

There are five parking spaces provided at the rear and an area dedicated for secure cycle storage. The parking provision is not required for a development on the edge of the town centre and therefore there are no parking concerns with the proposal, however the provision of electric charging points is a positive. Gravesham's Highways Officer raised no objection to the proposal.

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 show a bin/refuse area at the rear of the site, which is over 40m from the footway. Gravesham's Waste and Recycling Manager raised concerns with this distance, which would be over the dragging distance. However, there is an option that each flat has wheelie bins and is responsible to move these to the front of the property on collection days. Nevertheless, the bin store being at the rear is a preferred option within the Conservation Area and conditions will be attached to the decision notice to ensure that details are submitted and approved in writing by the Local Planning Authority.

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 an additional residential property 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 paid the SAMMS Mitigation Contribution Agreement for 4 additional bedrooms (£1,103.52) and therefore meets the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Conclusion

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

The proposed block has been designed to replicate the existing terrace and will mirror the existing end block to the north, in terms of the mansard roof and chimney pots. Therefore, the proposal is considered good design that conserves and enhances the character of the Milton Place Conservation Area, in accordance with Policies CS19 and CS20 (LPCS). There will be conditions attached to the decision notice to ensure that details of materials are proposed and approved in writing by the Local Planning Authority, and to ensure that the front boundary railings are installed across the frontage to benefit the character of the Conservation Area.

The new flats will safeguard the amenity of future occupiers by providing a good living environment that receives adequate levels of natural light and has good access to local amenities within the town centre. Furthermore, the development will safeguard the amenity of adjoining properties and will provide suitable levels of cycle and vehicle parking, which will have an EV charging provision. In addition, there will be adequate bin storage and this will be conditioned to ensure that a suitable strategy is put into place prior to occupation.

Lastly, mitigation has been made in the form of a SAMMS Agreement and financial contribution which addresses any potential harm on the RAMSAR site and habitats in the Thames Estuary.

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

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	25 th July 2022	Dated:	10 August 2022