



# Delegated Report

## Full Planning Application

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|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b> | 20211511                                                                                                                                                          |
| <b>Location:</b>       | 12, 14 and 16 Queen Street, Gravesend, Kent, DA12 2EE                                                                                                             |
| <b>Description:</b>    | Demolition of existing outbuilding and construction of a new 1.5 storey building comprising of 6 studio apartments with associated landscaping and cycle storage. |
| <b>Applicant:</b>      | Cam Javed                                                                                                                                                         |
| <b>Site Visit:</b>     | 2 <sup>nd</sup> February 2022                                                                                                                                     |

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### Procedural Issue

The application was originally submitted with the proposed building blocking up a shared right of way/access for the adjoining properties to the north. The agent was contacted regarding this matter and subsequently the plans were amended, which involved repositioning the building to retain the right of way. This alteration required a full re-consultation on the application.

### Submitted Documents/Plans

Application Form - dated 21/12/2021;  
Planning and Heritage Statement - dated 11/2021;  
Drawing no. 001 - Site Location Plan and Existing Block Plan;  
Drawing no. 002A - Existing Ground and First Floor Plans;  
Drawing no. 002B - Existing Second Floor Plan and Elevations;  
Drawing no. 003 - Rev. B - Proposed Block Plan;  
Drawing no. 004 - Rev. B - Proposed Rear Block Floor Plans;  
Drawing no. 005 - Proposed Rear Block Elevations;  
Drawing no. 006 - Existing Outbuilding Plans and Elevations.

### Relevant Planning History

| Application No. | Description                                                                                                                                 | Status    | Decision   |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
| 19970119        | Change of use of the first and second floors from multiple occupancy to a residential care home for people with learning difficulties.      | PERMITTED | 22.04.1997 |
| 19850657        | Conversion of the first and second floors of premises into 8 no bedrooms with communal facilities and associated car parking spaces at rear | PERMITTED | 18.12.1985 |
| 19850346        | Conversion of the first and second floors of premises into 10 no bedrooms with communal facilities                                          | REFUSED   | 19.07.1985 |

## **Development Plan**

### **Gravesham Local Plan Core Strategy (September 2014):**

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Design & Development Principles
- CS20 - Heritage

### **Gravesham Local Plan: First Review (1994)**

- P3 - Vehicle Parking Standards
- 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
- Section 16 - Conserving and enhancing the historic environment

### **Supplementary Planning Guidance**

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- SPG 4 - KCC Parking Standards (2006)
- Housing Standards Policy Statement 1st October 2015
- Technical Housing Standards - Nationally Described Space Standards
- High Street and Queen Street Conservation Area Character Appraisal
- Management Plan - Gravesend Town Centre Conservation Areas

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities (LPAs) pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

## **Consultations, Publicity and Representations**

### **External Consultees**

Kent Fire & Rescue Service - Following my assessment of Fire and Rescue Service emergency access provisions for application number 20211511 I would like to make the following observation.

- Although 'off-site' access to the proposed building can be achieved, please confirm that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the proposed building or a fire mains fitted in accordance with Section 13 of ADB Vol 1.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

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.

KCC - Heritage - No comments to make on archaeological matters.

Natural England - No objection subject to securing appropriate mitigation.

Design South East - The proposal is highly similar to a previous application that came to Design Surgery in November 2021 at the neighbouring site, 18-22 Queen Street. Many of the comments made on that proposal are also relevant to this scheme. The main considerations are outlined below:

- The form of the proposed block of flats does not successfully respond to the highly constrained site or character of the surrounding area.
- The architectural approach of three gable ended properties in this back-land location does not relate to the character or grain of the surrounding Conservation Area.
- A fundamental issue with providing residential accommodation to the rear of this site is the single access point via no.12. The long, dark, narrow alley would be uninviting and uncomfortable for residents and visitors. It would also be challenging to bring bikes and bins through this access point due to the narrow width.
- There are concerns that on bin collection day, the pavement outside the properties will be cluttered and result in a poor quality street environment.
- The lack of provision for deliveries and the impact on the pedestrian and traffic movement in the street is also of concern.
- The quality of life and amenity of residents within the proposed six flats to the rear of the site is likely to be very poor and is unacceptable. The proposed flats would be single aspect and north-facing with no windows in the bedrooms or bathrooms. This will result in dark and poorly ventilated spaces.
- The outdoor communal amenity space is likely to be poor quality, overshadowed and underused. It is unclear whether the outdoor space will also be used by residents in flats above 12-16 Queen Street. If this is the case, it is likely too small to be usable by many residents.
- The gallery access to the upper storey flats will result in significant overlooking to gardens and properties on Berkley Road. A privacy screen would partially mitigate but would also further reduce the outlook of residents in these flats and so would not be an ideal solution.
- The proposed block of flats would not be wheelchair accessible due to the way it is below ground level and accessed via steps.
- The application does not make any mention of sustainability and fails to address issues such as embodied carbon, energy efficiency, biodiversity and renewable energy production.
- The proposal for six flats represents overdevelopment of such a small and constrained site. It may be worth testing whether a more bespoke design that responds innovatively to the site constraints

- may deliver a single home on this site provided access and servicing are deemed to be satisfactory.
- A Design and Access Statement showing escape routes and Part M access compliancy would be needed to fully assess the scheme.

## Internal Consultees

GBC - Environmental Protection - The following to be considered:

*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](mailto:air.quality@gravesham.gov.uk)

*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).

*Noise Control* - In order to limit the likelihood of noise nuisance occurring due to poor construction/insulation and noise from the Public House, we would ask that the following is applied as a condition;

*Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:*

- *The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.*
- *The maximum internal noise levels in all habitable rooms should not exceed 45dB L<sub>Amax</sub> more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.*
- *If relevant, the rating noise from fixed building services/mechanical plant/equipment 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*

*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.

*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.

*GBC - Waste & Recycling Manager* - I have reviewed the planning application and have the following comments on refuse collection arrangements.

Due to current waste storage problems in this street, I require more detail on the waste storage provision. Waste storage for the domestic properties needs to include residual, recycling and food waste storage containers to meet current and future Government legislation.

I need confirmation of where the bins will be placed for collection and how they will be moved from the bin store to the collection point.

There also needs to be separate waste storage provision for the commercial business as this needs to be kept separate from the domestic waste and details of collection regime should be provided.

As mentioned above this street has an ongoing issue with waste storage so effective waste storage is essential.

It is the developer's responsibility to pay for the provision of bins on site, this can be done via the Council's Waste Management Team.

*GBC - Highways Officer* - This proposal gives a little concern. First with the demolition of the outbuildings is any secure bicycle parking lost for the properties existing tenants? Secondly only four secure cycle spaces are shown for the proposed development, when in fact six should be provided. It is accepted that given the sites location no car parking is required.

However, of more concern is how will the building be built? The building works will involve considerable removal of waste and deliveries on a road of restricted width and on street car parking controls and limited pedestrian access to the site. The applicant will have to liaise with Kent County Council to discuss traffic management issues, the suspension of any on street car parking and the licencing of any on street storage. It is essential that at no time Queen Street should become obstructed due to overlapping vehicle movements at the site. It is suggested that a Construction Management Plan should be in place, with particular reference being made to delivery and waste removal vehicle movements, to ensure only one vehicle is attending the site at any one time. In addition the location of contractors parking should be clarified as Queen Street is subject to a 2 hours maximum and their employees will need to arrange for unloading/loading of their tools on a daily basis or the contractor will need to provide secure on site storage. Given the width of Queen Street and the need to accommodate HGV's attending other properties, there may need to be a limit on the width of vehicle that can visit the site, as there are bollards at various locations and intervals along Queen Street which can restrict two vehicles passing.

Subject to adequate cycle parking being provided and an acceptable Construction Management Plan being in place I have no objections.

### **Neighbouring properties**

Thirty-one surrounding properties were consulted on both consultation periods and a number of representations were received. The comments received have been separated into the first consultation and the second consultation periods.

#### *First Consultation*

A notice was displayed on site 31<sup>st</sup> November 2021.

Four representations were received during the first consultation period, both of which objected to the development. The comments provided the following considerations:

### *Material Planning Considerations*

- Loss of privacy
- Loss of light
- Blocking up right of way
- Similar to refused applications (20210506 / 20211111)

### *Non-Material Planning Considerations*

- Problems arising from construction - noise and waste

The first consultation period expired 28<sup>th</sup> January 2022.

### Second Consultation

A notice was displayed on site 21<sup>st</sup> February 2022.

Two representations were received during the first consultation period, both of which objected to the development. The comments provided the following considerations:

### *Material Planning Considerations*

- Loss of light
- Loss of privacy

The revised consultation period expired 11<sup>th</sup> March 2022.

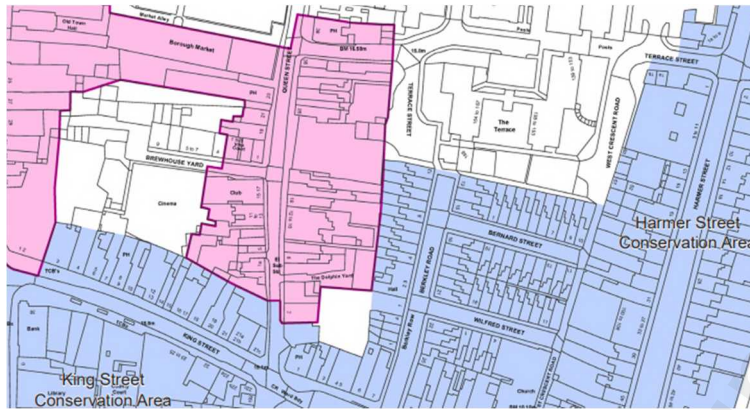
## **Officer's Analysis**

### Site Description

The site is part of a terrace of buildings located on the eastern side of Queen St. The application properties (nos.12, 14 and 16) are three storeys, which have commercial units on ground floor level and self-contained HMO property above. The HMO contains no.8 bedroom units above are accessed through a narrow pedestrian walkway through 12 Queen St. This access is also shared by the adjoining properties to the south of the application site, but is a right of way/means of escape for the properties to the north.



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:

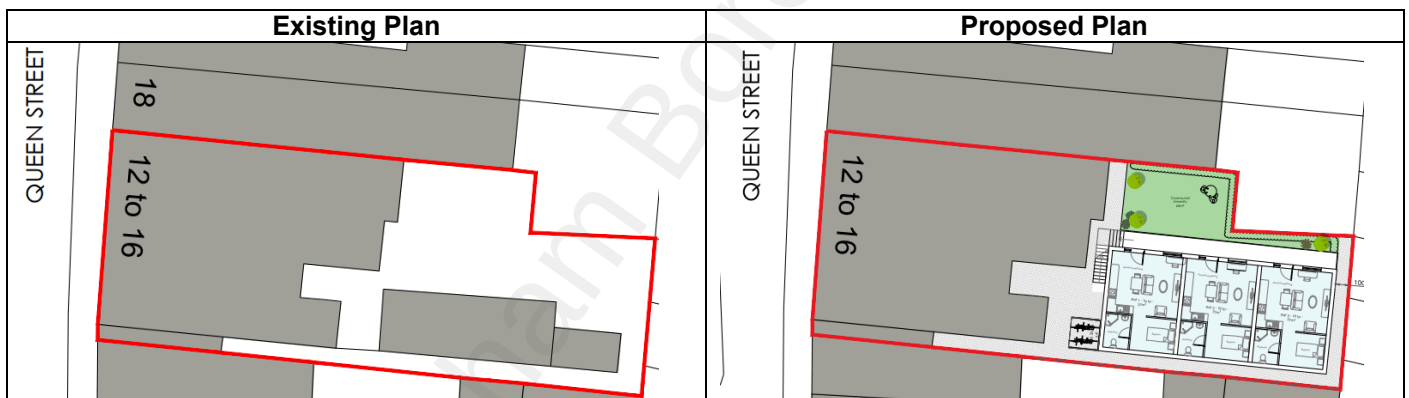


The High Street and Queen Street conservation area appraisal says:

*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

The application proposes the demolition of the existing outbuilding and erect a new 1.5 storey building, which is comprised of 6 studio apartments. The new rear block will have three gable roof forms and will be sunken down to reduce its overall height. There will be a raised platform to enter the upper units.



The block will have an overall footprint of 129.6m<sup>2</sup>, a width of 16.8m and a depth of 7.6m. It will have a maximum height of 5.9m and an eaves height of 3.45m. The raised walkway will be at a height of 1.95m. There is a shared amenity area proposed (46m<sup>2</sup>) and there is a bike store with space for no.4 cycles.

All of the 6 new studio apartments within the rear block are single aspect units and the proposed schedule of accommodation is as follows:

| Unit | Type | Floorspace       |
|------|------|------------------|
| 1    | 1b1p | 37m <sup>2</sup> |
| 2    | 1b1p | 37m <sup>2</sup> |
| 3    | 1b1p | 37m <sup>2</sup> |
| 4    | 1b1p | 37m <sup>2</sup> |
| 5    | 1b1p | 37m <sup>2</sup> |
| 6    | 1b1p | 37m <sup>2</sup> |

### 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 Policy CS02, in the Gravesham Local Plan Core Strategy (LPCS) (2014), must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- 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 63); 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 123(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 '6' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) which requires 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 within a conservation area.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and

CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

It is important to note that even though this proposal will result in a net increase of 6 dwellings, the mix and size of the units proposed is less than ideal. There are 6 units in the proposed blocks which are designed as single person bedsits which are often undesirable.

### 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 site area of the site the density of the development would be circa 127.5 dwelling units per hectare thus substantially over the target minimum density. For the calculation of density, the HMO has been considered as one unit even though it is a sui generis use.

Although the density calculation might suggest 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.

### The Key Issues

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

- Design, Character and Appearance (including the Queen Street Conservation Area)
- Amenity of Future Occupiers
- Impact on Local Residential Amenity
- Parking and Highway Issues
- Any Other Material Planning Considerations

### Design, Character and Appearance

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

The High Street and Queen Street Conservation Area Appraisal comments that:

*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.*

The proposal will not change the appearance of the properties fronting Queen Street. However, the

application does propose the construction of a block of 6 flats in the tight, constrained space of the rear garden. As aforementioned in this report, the rear block is sunken down to reduce its overall height to a 1.5 storey building, with a triple gable roof form. The block is not considered to respond well to the existing buildings surrounding the site and is set-down in height in order to reduce its impact and increase the number of units provided.

It appears to be a functional approach to meeting numbers of units on the site without real credibility in terms of its outward appearance, its form and orientation and includes an awkward external staircase and corridor at first floor level. Moreover, it would preclude access for the mobility impaired because of the stepped access.

The massing of the development is disproportionate and out of character with the surrounding area and the sort of building you would expect to find at the rear (single storey structures), and therefore the block is considered to be overdevelopment. This overdevelopment is further reinforced by the inappropriate access to the rear, which is a right of way for other properties as well as the 6 new units and HMO above. The access, as aforementioned, is an internal walkway which an approximate width of 1m, at a length of almost 17m.

Design South East (DSE) have commented in terms of the design, character and appearance of the development, pointing out that:

- The form of the proposed block of flats does not successfully respond to the highly constrained site or character of the surrounding area.
- The architectural approach of three gable-ended properties in this back-land location does not relate to the character or grain of the surrounding Conservation Area.
- The proposal for six flats represents overdevelopment of such a small and constrained site. It may be worth testing whether a more bespoke design that responds innovatively to the site constraints may deliver a single home on this site provided access and servicing are deemed to be satisfactory.

Overall, the proposed development would be overdevelopment of the site and is unacceptable in design terms, which would adversely impact on the character and appearance of the High Street and Queen Street Conservation Area, nor would it relate well to the existing buildings or the character and appearance of the area. Therefore, the proposal fails statutory test S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is contrary to Policies CS19 and CS20 (LPCS), saved Policy TC3 (LPFR), as well as Sections 12 and 16 (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 which came into effect on 1 October 2015.

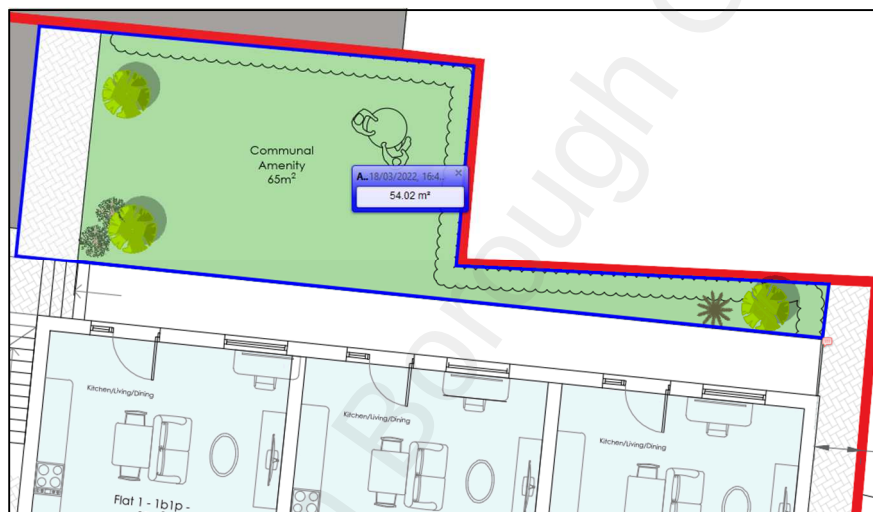
This scheme provides one bedroom units for single persons, with shower rooms. According to the Technical Housing Standards a single person, one bedroom unit should have a floor area of 37m<sup>2</sup> which would be the minimum allowance. All of the new units within the rear block accord with the minimum floor area set out in the Technical Housing Standards.

In addition, Policy CS19 (LPCS) requires development to safeguard the amenity, including privacy, daylight and sunlight, but also appropriate ventilation for future occupiers. The RLG states that "whenever practical, all kitchens and bathrooms shall be provided with openable windows. All glazing to windows in bathrooms shall be obscure". Each unit has one north facing window and a glazed door. The window will serve the open plan kitchen/living/diner, however there are no windows serving the bedroom or shower room. The lack of ventilation and natural light is considered to provide poor levels of amenity, which is exacerbated by

north facing windows and being single aspect units. The key considerations for poor amenity are listed below:

- Single aspect units;
- Served by a solitary window and part glazed door;
- North facing windows;
- Poor ventilation;
- Ground Floor Units overshadowed - window and door is located underneath raised walkway.

There is a communal amenity area proposed to the front of the rear block. This area is shown on plan form to have an area of 65m<sup>2</sup>, however when measured on the plan the communal area measures 54m<sup>2</sup> and will include some landscaping and planting around the edge which would reduce usable space. The RLG states that for communal flats there should be a minimum of 10m<sup>2</sup> amenity space per unit. It is not stated whether this space is solely for the use of the rear block, or if the other units above the shops will have access to this space. Nevertheless, there are 6 flats within the proposed scheme and it is therefore a substandard area for which residents could expect to enjoy.



Design South East (DSE) have commented in terms of the impact on future occupiers' amenity pointing out that:

- A fundamental issue with providing residential accommodation to the rear of this site is the single access point via no.12. The long, dark, narrow alley would be uninviting and uncomfortable for residents and visitors. It would also be challenging to bring bikes and bins through this access point due to the narrow width.
- The quality of life and amenity of residents within the proposed six flats to the rear of the site is likely to be very poor and is unacceptable. The proposed flats would be single aspect and north-facing with no windows in the bedrooms or bathrooms. This will result in dark and poorly ventilated spaces.
- The outdoor communal amenity space is likely to be poor quality, overshadowed and underused. It is unclear whether the outdoor space will also be used by residents in flats above 12-16 Queen Street. If this is the case, it is likely too small to be usable by many residents.

As such, the proposal fails to safeguard the amenity of future occupiers to a level they should be expected to enjoy and is contrary to Policy CS19 (LPCS) as well as Section 12 of the NPPF.

#### Neighbouring Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the LPCS. Policy CS19 (LPCS) requires new development to safeguard the amenity,

including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land. The NPPF also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The application site is surrounded by a mixture of commercial and residential properties. The commercial properties are mostly located at ground floor level, as would be expected in this town centre location. The rear of the application site adjoins the rear gardens of family dwellings in Berkeley Road, separated by a 1.8m high brick wall.

It is acknowledged that the scale of development has been reduced by sinking down the rear block. Additionally, the block has been moved away from the boundary with the rear gardens of dwellings in Berkeley Road by 1m. However, this would be an overbearing and dominant form of development along the rear boundary of properties on Berkeley Road, but would also result in direct overlooking of neighbouring gardens and properties from the proposed first floor walkway. A number of neighbour objections expressed concern on such grounds.

Design South East (DSE) have commented in terms of the impact on local amenity pointing out that:

- The gallery access to the upper storey flats will result in significant overlooking to gardens and properties on Berkeley Road. A privacy screen would partially mitigate but would also further reduce the outlook of residents in these flats and so would not be an ideal solution.

As such, the scale of the development on the rear boundary of the neighbouring properties on Berkeley Road is an overbearing and unneighbourly form of development, detrimental to their amenity and will result in overlooking of neighbouring gardens and property contrary to Policy CS19 (LPCS) and Section 12 (NPPF).

#### 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. As such, the Council is prepared to accept no off-street parking provision.

Nevertheless, the development fails to provide any provisions for cycle storage which is contrary to guidance in Kent County Councils parking standards SPG4 (2006). The guidance states that weatherproof cycle storage should be provided, with a minimum of one space per flat. Therefore the proposal is contrary to guidance.

#### Any Other Material Planning Considerations

Ecology and Biodiversity (Bird Mitigation) - The application site is located in the Thames Estuary and Marshes Ramsar Buffer Zone. The Ramsar site is of international biodiversity importance, particularly for birds. Recent evidence suggests that there has been a decline in bird populations in the internationally significant Special Protection Areas (SPA) and Ramsar sites that make up the North Kent Marshes. There is currently insufficient evidence to adequately assess the cause of this decline although interim findings indicate that recreational activity causes disturbance to birds and that more development will lead to an increase in disturbance. In the meantime, a precautionary approach to development will be applied. It will be imperative that developers address and mitigate any detrimental impacts on biodiversity.

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 Gravesham Local Plan Core Strategy Policy CS12. 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 £253.83 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement for 6 additional bedrooms (£1522.98) and therefore fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

*Refuse Storage* - There are no details of the waste storage area on any of the plans supporting this application. The Assistant Director of Operations (GBC Waste Management) has nevertheless commented "Due to current waste storage problems in this street, I require more detail on the waste storage provision. Waste storage for the domestic properties needs to include residual, recycling and food waste storage containers to meet current and future Government legislation".

If the Local Planning Authority were minded to support that application, further details would have been requested which confirmed the following:

- Where the bins will be placed for collection; and
- How they will be moved from the bin store to the collection point.

The Waste Management comment also highlighted the requirement for separate waste storage provision for the commercial business.

Design South East have also commented about the waste arrangement advising of concerns that on bin collection day, the pavement outside the properties will be cluttered and result in a poor quality street environment.

It has been pointed out that this street has an ongoing issue with waste storage so effective waste storage is essential, therefore without any details or waste strategies submitted with this application it is considered contrary to Policy CS19 (LPCS), which requires new development to incorporate appropriate facilities for the storage and recycling of waste.

## **Conclusion and Balancing Exercise**

The development hereby proposed would be within a sustainable, town centre location and would provide six new residential units. Even though the new housing contribution is a minimal increase to the Boroughs housing supply, the delivery of homes adds some weight to the proposal. However, the overall planning assessment set out in this report has concluded that:

- The proposals will result in overdevelopment of the site, unacceptable in design terms and would adversely impact on the character and appearance of the High Street and Queen Street Conservation Area and not relate well to the existing buildings or the character and appearance of the area.
- The proposed rear block of flats would provide inadequate and unsatisfactory levels of natural light and ventilation creating a poor living environment for the future occupants of the development. In addition, there would be a poor means of access to the rear of the site through a narrow and poorly lit walkway.
- The scale, form and orientation of the proposed rear block of flats fails to safeguard the amenity of neighbouring properties in Berkley Road that adjoin the site, resulting in an overbearing and unneighbourly form of development in close proximity to the common boundary and result in direct overlooking of neighbouring gardens and properties.
- The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the Special Protection Area (SPA)/Ramsar site.
- The applicant has failed to provide sufficient information in relation to waste storage

arrangements for the development including for the existing commercial uses, and where the bins will be placed for collection and how they will be moved from the bin store to the collection point.

On balance, it is considered that the harm identified above and set out within the planning assessment does not outweigh the benefit of additional flats within the town centre. The application is contrary to local and national planning policy, and therefore should be refused planning permission.

## Recommendation

Refused

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

|                      |                                                                                   |                     |                                   |
|----------------------|-----------------------------------------------------------------------------------|---------------------|-----------------------------------|
| <b>Case Officer:</b> | Mr Ethan Bonthron                                                                 | <b>Team Leader:</b> | <b>Richard Hart</b>               |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>                     |
| <b>Dated:</b>        | 18 <sup>th</sup> March 2022                                                       | <b>Dated:</b>       | <b>22<sup>nd</sup> March 2022</b> |