

Delegated Report

Approval of Conditions Application

Planning Application No: 20260766

Location: The Kings Veg 7 King Street Gravesend Kent

Description: Application for approval of condition 3 and 4 attached to planning permission reference number 20260090 relating to full details of the noise mitigation and full details of all ventilation systems.

Applicant: Mr Bashir Ali

Submitted Documents/Plans

Application Form
Residential Noise Assessment
Noise Mitigation and Ventilation Details
Ventilation System
Technical Drawings
Annotated Rear Elevation

Relevant Planning History

Reference	Description	Decision	Decision Date
20260090	Change of use of the upper floors from office use to three self-contained 1 bed studio flats.	Permitted	20.03.2026

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 3 – Decision Making Policies
- Section 4 – Achieving Sustainable Development
- Section 14 – Achieving Well Designed Places
- Section 20 – 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)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

The submitted details satisfactorily address the requirements of both conditions 3 (noise mitigation) and 4 (MVHR/ventilation systems).

There is no objection to the conditions being discharged.

Officer's Analysis

Condition 3 of 20260090 is:

3. No development shall commence until full details of the noise mitigation measures as outlined in the 'Residential Noise Assessment' dated 08/12/2025 by Nova Acoustics (Ref: NP-013491 Rev 01) have been submitted to and approved in writing by the Local Planning Authority. The details shall include specification of secondary glazing, mechanical ventilation, and sound insulation measures. The approved measures shall be implemented in full prior to first occupation and retained thereafter.

Reason: In order to safeguard the living conditions of the future occupants of the residential units and pursuant to Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and paragraph 191 of the National Planning Policy Framework (NPPF) 2024.

The details submitted for this condition include; the NOVA Acoustics Residential Noise Assessment (ref. NP-013491 Rev 01), the Noise Mitigation and Ventilation Details statement dated 14 July 2026, and drawings DDD-C34-01, 03, 04 and 05. It specifies internal secondary double glazing to all front-facing studio windows, including the bay windows, while retaining and making good the existing external glazing. The proposed glazing incorporates a minimum 200 mm cavity and is specified to achieve the acoustic performance identified in the NOVA assessment. Passive ventilators would be removed or acoustically infilled, with background ventilation provided mechanically.

The submission also details an acoustic lining to the wall adjoining the sports bar and an upgraded separating floor above the ground floor retail unit, incorporating resilient flooring, mineral wool and an isolated ceiling. Measures to identify and address potential noise transmission through shared structural elements and service penetrations are set out. The GBC Environmental Protection team has reviewed the details and raises no objection to discharge of the condition.

Condition 4 of 20260090 is:

4. No development shall commence until full details of all ventilation systems including MVHR and any external grilles or ducting have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and retained thereafter.

Reason: In the interests of visual amenity and the character of the Conservation Area in accordance with

Saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014).

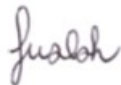
The submitted statement, Titon product information and drawings DDD-C34-01, 02 and 06 specify a separate Titon HRV1.6 Q Plus mechanical ventilation with heat recovery system for each of the three flats. Each unit would be housed in an accessible high-level service cupboard towards the rear of its flat. The drawings show the internal duct routes, with fresh air supplied to the studio space and air extracted from the kitchen and shower/WC. Background and boost airflow rates, acoustic controls, access for maintenance and commissioning requirements are specified.

Each flat would have one 125 mm intake and one 125 mm exhaust terminal on the rear elevation, giving six terminals in total. The proposed terminals are flush, circular, dark grey grilles, with no exposed external ductwork or openings on the King Street frontage. The annotated rear elevation adequately shows the position and number of the grilles, which on the rear elevation, at the size proposed is considered to be not significantly detrimental to the character of the area. The Council's Environmental Protection team has reviewed the ventilation details and raises no objection to discharge of the condition.

Conclusion & Recommendation

The details submitted are considered to address the requirement of the conditions. As such, the recommendation is to discharge conditions 3 and 4 of 20260090.

(See draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	25th September 2026	Dated:	25 September 2026